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Town of Cedar Lake, Lake County, Indiana
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Chapter 1 – INTRODUCTION

Section A Authority:

The Town of Cedar Lake, Lake County, Indiana, is a Municipal Corporation, duly organized under applicable law of the State of Indiana, and which is governed by its duly elected Town Council, acting as the legislative body under authority of the Indiana Code, as amended from time to time. In such capacity, the Town Advisory Plan Commission has been established for the Town of Cedar Lake, and has fulfilled the duties and responsibilities of planning duties for the Town. The Cedar Lake Plan Commission, under its statutory authority, has reviewed and issued its favorable recommendation for text replacement of the Town Zoning Ordinance, Ordinance No. 496, as same as been amended from time to time, after its adoption in December, 1989 after consideration at a duly noticed Public Hearing, to the Town Council under applicable law. -. The Town Council of the Town of Cedar Lake, Lake County, Indiana, upon review of the Plan Commission favorable recommendation, thereafter adopted this Zoning Ordinance Text Replacement Ordinance.

Section B Purpose:

The Zoning regulations and districts as herein set forth are made in accordance with a Comprehensive Master Plan, in order that adequate light, air, convenience of access, and safety from fire, flood and other danger may be secured; that congestion in the public streets may be lessened or avoided; and that the public health, safety, comfort, morals, convenience and general public welfare may be promoted. They are made with reasonable regard to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adapted, and the conservation of property values throughout the Town of Cedar Lake, Lake County, Indiana.

Section C Title:

This Ordinance shall be known, and may be cited, as “THE ZONING ORDINANCE OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA”.

Section D Jurisdiction:

The Planning and Zoning jurisdiction of this Zoning Ordinance is the entire geographical area encompassed by the Municipal Boundaries, as expanded by annexation from time to time.

Section E Interpretation:

1. In their interpretation and application, the provisions of this Zoning Ordinance Text Replacement Ordinance, as amended from time to time, shall be held to be the minimum requirements for the promotion of the health, safety, morals, comfort, prosperity, or general welfare.
2. Where the conditions imposed by any provision of this Zoning Ordinance Text Replacement Ordinance, as amended from time to time, upon the use of land or buildings, or upon the bulk of

buildings, are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Zoning Ordinance or of any other law, ordinance, resolution, rule or regulation, of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

3. This Zoning Ordinance Text Replacement Ordinance, as amended from time to time, is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this Zoning Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Zoning Ordinance, as amended from time to time, shall govern.
4. No building, structure, or use which was not lawfully existing at the time of the adoption of this Zoning Ordinance shall become or be made lawful solely by reason of the adoption of this Zoning Ordinance; and to the extent that, and in any manner, that said unlawful building, structure, or use is in conflict with the requirements of this Zoning Ordinance, said building, structure, or use remains unlawful hereunder.
5. Nothing contained in this Zoning Ordinance, as amended from time to time, shall be deemed to be a consent, license, or permit to use any property, or to locate, construct, or maintain any building, structure, or facility or to carry on any trade, industry, occupation or activity.
6. The provisions in this Zoning Ordinance are cumulative, and impose additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter, governing any subject matter in this Zoning Ordinance.

Section F Scope of Regulations:

1. All buildings or structures erected hereafter, all uses of land, buildings, or structures established hereafter, all structural alterations, enlargement, or relocation of existing buildings, or structures occurring hereafter shall be subject to all regulations of this Zoning Ordinance, as amended from time to time, which are applicable to the zoning districts in which such building, structure, uses, or land shall be located.
2. Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Zoning Ordinance, and provided that construction is begun within six (6) months of the effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued; and further, may, upon completion, be occupied under a Certificate of Occupancy by the use for which originally designated-subject thereafter, if applicable, to the provisions herein for nonconforming buildings, structures, and uses.
3. In the event that a Building Official has issued a Building Permit for a permitted use or such Permit shall become null and void unless work thereon is completed within twelve (12) months of the date of the issuance of such permit, or within the period of time beyond twelve (12) months

granted by the Building Commissioner/Inspector or the Board of Zoning Appeals, then said Building Permit shall be valid for the twelve (12) month time period on the issued Permit. In the event that the building permit is issued for a project with a construction cost estimate of \$500,000 or more, then said building permit will be valid for twenty-four (24) months. In either case, the Building Permit can be extended in compliance with the rules established for extension

Chapter 2 – GENERAL USE REGULATIONS

Section A Scope of Regulations:

The general use regulations of this Zoning Ordinance, as amended from time to time, shall apply as follows:

1. **Conformance and Permits Required:** No building or structure shall be erected, reconstructed, enlarged or moved for any use other than that which is permitted in the Zoning District in which such building, structure or land is located, and the buildings, structure, or land will not be used for any other use other than that which is permitted in the Zoning District, or is permitted by a appropriate permitting or Board of Appeals approval.
2. **Zoning District Group Classification:** Whenever the terms R Zoning District or M Zoning District are used, they shall be deemed to refer to all Zoning Districts containing the same letters in their names; e.g., B Zoning District shall include the B-1, B-2 and B-3 Zoning Districts.

Section B Utility Requirements:

Every lot in each Zoning District shall be provided with public water and public sewers, if available. When either or both of these public utilities are not provided, Regulations of the State of Indiana, the County of Lake, and the Town, shall be applicable.

Section C Eaves and Overhang Details:

Each residential building on a subdivision lot, or lot of record in the Town of Cedar Lake, shall be framed and finished to provide eaves and overhangs for protection of the walls and foundations from damage due to run-off from rain or snow and ice melt. Eaves and overhangs constructed shall meet the following dimensional requirements:

1. Sloped sides of gable and hip roofs shall be constructed with a minimum horizontal dimension of eight inches (8") from the exterior sheathing of brick veneer to the outer face of the fascia board.
2. Sloped sides of gambrel, mansard and shed roofs shall be constructed with a minimum horizontal dimension of sixteen inches (16") from the exterior sheathing or brick veneer to the outer face of the trim rafter.
3. End walls of gable and gambrel roofs shall be constructed with a minimum horizontal dimension of twelve inches (12") from the exterior sheathing or brick veneer to the outer face of the fascial board.
4. The outer edge of the gutter for all roof types, except as provided for herein, shall be no less than six feet (6') measured horizontally from the property line. The outer edge of the gutter for sheds and accessory buildings shall be no less than five feet (5'), measured horizontally from the property line.
5. All framing shall conform to the requirements of the Building Code and industry best practices.

Chapter 3 – ZONING DISTRICTS AND MAP

Section A Establishment of Zoning Districts:

For the purpose of this Zoning Ordinance as amended from time to time, the Town of Cedar Lake, Lake County, Indiana, is hereby divided into the following Zones and Zoning Districts:

- (A) Agricultural Zoning District
- (R-1) One-Family Residential Zoning District
- (R-2) One-Family Residential Zoning District
- (RT) Two-Family Residential Zoning District
- (RM) Multiple-Family Residential Zoning District
- (MH) Manufactured Homes Zoning District
- (PUD) Planned Unit Development Zoning District
- (B-1) Neighborhood Business Zoning District
- (B-2) Community Business Zoning District
- (B-3) General Business Zoning District
- (RS) Planned Resort Zoning District
- (M-1) Light Industrial Zoning District
- (CD-A) Conditional Development District A Zoning District
- (CD-B) Conditional Development District B Zoning District
- (WW) Wetlands and Watercourse District

Section B Zoning District Boundaries:

Unless otherwise indicated, the Zoning District boundary lines are lot lines, the centerlines of streets, parkways, alleys, railroad rights-of-ways, or such lines extended. Other lines within blocks are rear or right-side lot lines or such lines extended.

Where the street layout on the ground actually varies from the layout as shown on the Zoning Map, or when other questions arise, the Zoning Map shall be interpreted by the duly designated official or representative of the Town and the Plan Commission according to the reasonable intent of the Zoning Ordinance, as amended from time to time, and recommendations shall be made by said designated official or representative to the Plan Commission, Board of Zoning Appeals, and/or Town Council, where required pursuant to applicable law.

Section C Annexed Territory:

All parcels annexed into the Town of Cedar Lake shall be incorporated as (A) Agricultural Zoning District unless otherwise stated in the recorded Annexation Ordinance, or until changed by amendment to this Zoning Ordinance.

Section D Zoning Map:

The Planning Director, or designated Town Official, shall make or cause to be made a Zoning map, including periodic updates, of the Town of Cedar Lake showing the boundaries and types of each Zoning District established by this Zoning Ordinance. The Map created and maintained by The Planning Director shall be the official Zoning Map of the Town of Cedar Lake, Lake County, Indiana, and shall replace all other zoning maps existent and in use prior to the adoption of this Zoning Ordinance.

1. **Official Zoning Map:** The Town is hereby divided into zoning districts, as shown on the Official Town Zoning Map attached hereto, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Zoning Ordinance.
 - a. If, in accordance with the provisions of this Zoning Ordinance, changes are made in zoning district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after any such amendment has been adopted by the Town Council.
 - b. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon, except in conformity with the procedures set forth in this Zoning Ordinance, as amended from time to time.
 - c. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the Town Hall shall be the final authority as to the current zoning status of all property within the municipal corporate boundaries of the Town.
2. **Replacement of Official Zoning Map:** In the event that the Official Zoning Map becomes difficult to interpret because of the nature or number of changes and additions, the Town Council may adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof, unless lawful actions are taken in conformance with applicable law.

Section E Use Table:

The Planning Director, or designated Town Official shall prepare or cause to be prepared, including periodic updates, a Table of Uses for each Zoning District established by this Zoning Ordinance.

Section F Bulk Requirements:

The Planning Director, or designated Town Official, shall prepare or cause to be prepared, including periodic updates, a Table of Bulk Requirements for each Zoning District established by this Zoning Ordinance.

Chapter 4 - WETLAND AND WATERCOURSE (WW)

Section A: Purposes:

The Wetland and Watercourse (WW) Zoning District is established to protect the health, safety and welfare of the residents of the Town of Cedar Lake and its environs by promoting its development in land uses that will carry out the following objectives:

1. Provide for the protection, preservation, proper maintenance and use of watercourses and wetlands in order to minimize disturbance to them and to prevent damage from erosion, turbidity or siltation, a loss of fish or other beneficial aquatic organisms, a loss of wildlife and vegetation and/or from the destruction of the natural habitat thereof;
2. Provide for the protection of the Town's potable fresh water supplies from the dangers of drought, overdraft, pollution or mismanagement; and
3. Provide maximum protection for the residents of the Town of Cedar Lake and their property in areas affected by high water tables, periodic flooding and unstable soil conditions caused by marshy or swamp-like terrain.

Section B: Permitted Uses:

The following regulations shall apply in Wetland and Watercourse (WW) Zoning Districts, as listed hereafter:

1. Permitted Uses: The following uses are permitted provided that they do not require the erection or construction of any structure of any significant change to the elevation, topography or configuration of the land through dredging, filling, draining or similar activities:
 - a. Gardening, general farming, horticulture, forestry or any similar agricultural activity;
 - b. Public and private open recreation areas such as parks, playgrounds, playfields, golf courses, bridle paths, etc.;
 - c. Utility transmission lines;
 - d. Dams or other control devices for the purpose of improving fish or wildlife habitat or recreation facilities when permitted under state regulations;
 - e. Driveways and roads where alternative means of access are proven to be impractical.
2. Uses Prohibited: All uses other than those permitted above are prohibited.
3. The provisions of Wetland and Watercourse Zoning Districts shall apply to all lands adjacent to streams or creeks which are at or below the 100 year flood elevation as established by the Indiana Department of Natural Resources, and also to all land in or directly adjacent to any body of water

or any wetland connected to such a body of water as determined by the U.S. Army Corps of Engineers.

Prior to the issuance of a permit in an area subject to the jurisdiction of the Indiana Department of Natural Resources or the U.S. Army Corps of Engineers, written approval from that Agency (and any other applicable state or federal officer) must have been received and a petition for changing the Zone Map to the appropriate zone must have been approved by the Town. (Approval from the Indiana Department of Natural Resources or the U.S. Army Corps of Engineers should not be interpreted as a requirement that the Town also approve the petition, because the criteria used by those Agencies and the Town are not necessarily the same.)

4. Signs as set forth in CHAPTER 16;
5. Supplementary District Regulations as set forth in CHAPTER 11;
6. In the exercise of its approval of the uses enumerated, the Plan Commission may impose such conditions regarding the uses, location, character of development, and other reasonable requirements deemed necessary to safeguard the community interest and general welfare.

Chapter 5 – AGRICULTURAL ZONING DISTRICT

Section A Purpose:

The general character of the Agricultural (A) Zoning District is to accommodate the transition of rural areas around, and in some cases, within, Cedar Lake, from rural-agricultural uses to future land uses as development proceeds. Large areas of vacant land can be preserved for future development according to economic and physical needs.

Agricultural Uses:

Notwithstanding any other provision of this Zoning Ordinance, as amended from time to time, which may conflict herewith, the raising, holding, keeping or possessing of any livestock, poultry, fowls or other animals, whether raised, held, kept or possessed for personal or commercial uses and/or the constructing, erecting, altering, improving, remodeling or moving any accessory stable, building, structure or enclosure of any type or kind associated with the raising, holding, keeping or possessing of such livestock, poultry, fowls or other animals shall be permitted only upon those tracts of land consisting of eight (8) acres or more. This section shall not prohibit the keeping of dogs or cats in residential areas providing the number does not exceed three (3) of each.

Section B Permitted Uses:

Any use permitted in the Wetlands and Watercourse Zoning District as set forth in CHAPTER 4

1. A Building may be erected, altered or used, and a lot may be used for a single-family detached dwelling and dwellings for tenants primarily employed on a farm.
2. The use of land for farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce, provided, however, that:
 - a. The operation of any such accessory uses shall be secondary to that of normal agricultural activity;
 - b. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within one thousand feet (1,000') of any residential zoning district;
 - c. Agriculture does not include the operation or maintenance of a commercial stockyard or feedlot;
 - d. Greenhouses and nurseries are permitted, provided that retail sales on the property be restricted to products produced on that property;
 - e. Agriculture does not include chemical storage or manufacturing associated with Agriculture; and
 - f. Agricultural implements, automobile or trailer sales are permitted-provided that any display or storage shall be developed as required in this Zoning Ordinance, and that any incidental repair of implements, automobiles or trailers shall be conducted and confined

wholly within a building where the mechanical power employed in the operation of any machine or tool does not exceed twelve (12) horsepower.

3. Accessory buildings may be erected, altered or used, which support the above uses.
4. Signs as set forth in CHAPTER 16.
5. Supplementary District Regulations as set forth in CHAPTER 11.
6. The following uses may be allowed by approval Variance of Use:
 - a. Outdoor storage of heavy machines, such as would be used in either agricultural or construction uses, excluding inoperable junk equipment;
 - b. Commercial crop storage facilities, such as grain elevators.

In the exercise of approval of the uses enumerated above, such conditions may be imposed regarding the location, character of development and other reasonable requirements deemed necessary to safeguard the community interest and general welfare.

Section C Bulk Requirements:

1. **Height:** The maximum height of any building shall not exceed thirty-five feet (35').
2. **Minimum Lot Area and Width:** Every lot used for residential purposes shall have a minimum width at the building line of one hundred feet (100'), and a minimum area of twenty thousand (20,000) square feet.
3. **Front Yard:** Each lot shall front on a dedicated and improved street. Each front yard in this Zoning District shall extend across the full width of the zoning lot and lying between the lot line which fronts on a street and the nearest line of the principal building on which the main entrance to said building exists. There shall be a minimum front yard between the building line and the highway and street right-of-way lines as follows:
 - a. On existing four (4) lane Federal or State highways, a distance of sixty feet (60');
 - b. On existing two (2) lane Federal or State highways, a distance of seventy-five feet (75');
 - c. On all streets designated as a part of the Federal Aid Urban System, as delineated by the State Highway Commission, a distance of forty feet (40'); and
 - d. On all other streets, a distance of thirty feet (30').
4. **Side Yard:** Each lot, except as otherwise specified, shall have two (2) side yards, each having a width of not less than ten feet (10').
5. **Rear Yard:** There shall be a rear yard of not less than - one hundred feet (100').
6. **Lot Coverage:** Not more than twenty percent (20%) of the area of a lot may be covered by buildings and structures.

7. **Corner Lots:** There shall be a side yard between the building line and the highway or street right-of-way lines as follows: refer to item **3. Front Yard.**
8. **Building Size:** No building shall be erected for residential purposes having a ground floor area of less than twelve hundred fifty (1,250) square feet, if a single-story house; or thirteen hundred fifty (1,350) square feet total floor area if a one and one-half (1 ½) or two (2) story house. All such areas shall be exclusive of unenclosed porches, terraces and garages. All other buildings constructed for agricultural purposes shall not be restricted in terms of building size.

Section D Parking Regulations:

There shall be at least two (2) parking spaces for each single-family dwelling in this Zoning District. All other off-street parking requirements for this Zoning District shall be in accordance with the provisions set forth in CHAPTER 12 of this Zoning Ordinance, as amended from time to time.

Section E Utility Requirements:

Every lot in Agriculture Zoning Districts, and each Zoning District hereafter described, shall be provided with public water and public sewers, if available. When either or both of these public utilities are not provided, Regulations of the State of Indiana, the County of Lake, and the Town, shall be applicable.

Chapter 6 – RESIDENTIAL ZONING DISTRICTS

6.1 R-1 Zoning District:

Section A Purpose:

The general character of this Residential Zoning District is to consist of single-family detached dwellings, set on large building lots. Non-residential uses would be restricted to those community facilities which:

1. May appropriately be located in residential areas to provide educational, recreational, religious, health and other essential services for residents; or
2. Can perform their activities more effectively in a residential environment, unaffected by adjacent industrial or general services uses; and
3. Do not create significant objectionable influences in residential areas.

This Residential Zoning District is intended to be the most restrictive of the Residential Zoning Districts by providing for an environment of predominantly low-density, one (1) family detached dwellings, along with other residentially related facilities which serve the residents in the Zoning District.

Section B Permitted Uses:

In Residential (R-1) Zoning Districts, the following regulations shall apply, as listed hereafter:

A building may be erected, altered, or used, and a lot may be used or occupied, for any of the following purposes, and no other:

1. **Primary Use:** Single-Family Detached Dwelling Units.
2. **Community Facilities:** Municipal facilities and public utility uses directly related to and necessary for services within this Zoning District of the Town;
3. Accessory buildings and uses customarily incidental to any of the above permitted uses and consistent with other provisions of this Zoning Ordinance, as amended from time to time;
4. Supplementary District Regulations as set forth in CHAPTER 11;
5. Signs as set forth in CHAPTER 16.
6. All uses permitted in the Wetlands and Watercourse Zoning District as set forth in CHAPTER 4.
7. Home Occupations as permitted and set forth in CHAPTER 11, SECTION D.
8. Nameplate or signs as follows: One (1) nameplate for each dwelling unit, excluding illuminated signs of the flashing or animated type not exceeding one and one-half (1 1/2) square feet in area, indicating the name of the occupant or any permitted occupation.

Section C Bulk Requirements:

1. **Height:** The maximum height of any building shall not exceed thirty-five feet (35') at its peak, measured from twelve inches (12") below the top of the foundation.
2. **Minimum Lot Area and Width:** A lot area of not less than fifteen thousand (15,000-100' X 150') square feet, and a lot width of not less than ninety feet (90') at the building line shall be provided for every building or other structure erected or used for any use permitted in this Zoning District. Corner lot areas of not less than sixteen thousand five hundred (16,500-110' X 150') square feet, and a lot width of not less than one hundred feet (100') at the building line shall be permitted for every building or other structure erected or used for any use permitted in this district.
3. **Front Yard:** Each lot shall front on a dedicated and improved public or private street. Each front yard in this Zoning District shall extend across the full width of the zoning lot and lying between the lot line which fronts on a street and the nearest line of the principal building on which the main entrance to said building exists. There shall be a minimum front yard between the building line and the highway and street right-of-way lines as follows:
 - a. On existing four (4) lane Federal or State highways, a distance of sixty feet (60');
 - b. On existing two (2) lane Federal or State highways, a distance of seventy-five feet (75');
 - c. On all streets designated as a part of the Federal Aid Urban System, as delineated by the State Highway Commission, a distance of forty feet (40'); and
 - d. On all other streets, a distance of thirty feet (30').
4. **Side Yard:** Each lot, except as otherwise specified, shall have two (2) side yards, each having a width of not less than twelve feet (12').
5. **Rear Yard:** There shall be a rear yard of not less than thirty (30) feet.
6. **Lot Coverage:** Not more than twenty-five percent (25%) of the area of a lot may be covered by buildings and structures.
7. **Corner Lots:** There shall be a side yard between the building line and the highway or street right-of-way lines as follows, namely: refer to item **3. Front Yard**.
8. **Building Size:** No building shall be erected for residential purposes having minimum ground floor area of less than one thousand five hundred (1,500') square feet, for a single story or bi-level house; or one thousand seven hundred (1,700') square feet, for a one and one-half (1 ½) story or tri-level house; or two thousand two hundred (2,200') square feet, for a two (2) story house. All such areas shall be exclusive of unenclosed porches, terraces and garages.
9. **Attached Garages:** Attached garages on all new homes in this Zoning District shall have minimum four hundred (400') square feet. Maximum attached garage size shall be one thousand one hundred (1,100') square feet.

10. **Metal and/or Post Buildings:** Metal and post building types of construction shall not be permitted in this Residential Zoning District as a Primary or Accessory use. Any accessory building greater than one thousand one (1,001') square feet in size shall be exempt from this provision providing it conforms with all other provisions required in CHAPTER 11, Section A.

Section D Parking Requirements:

1. **Off Street Parking:** There shall be at least two (2) parking spaces for each single-family dwelling, but not more than four (4) parking spaces for each single-family dwelling in this Residential Zoning District. All other off-street parking requirements for this Residential Zoning District shall be in accordance with the provisions set forth in CHAPTER 12 of this Zoning Ordinance, as amended from time to time.
2. **Parking and Storage of Certain Vehicles:** Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned or **Resort Zoned** property, other than in completely enclosed buildings.

Section E Landscape Requirements:

Residential development shall landscape in accordance with the provisions set forth in CHAPTER 13 of this Zoning Ordinance, as amended from time to time.

Section F Lighting:

Residential development lighting shall be in accordance with the provisions set forth in CHAPTER 14 of this Zoning Ordinance, as amended from time to time.

6.2 R-2 Zoning District:

Section A Purpose:

The general character of this Residential Zoning District is to consist of single-family dwellings, set on medium sized building lots. Non-residential uses would be of similar character as those in Residential (R-1) Districts.

Section B Permitted Uses:

In Residential (R-2) Zoning Districts, the following regulations shall apply, as listed hereafter:

A building may be erected, altered, or used, and a lot may be used or occupied, for any of the following purposes and no other:

1. **Primary Use:** Single-Family Detached Dwelling Units.
2. **Community Facilities:** Municipal facilities and public utility uses directly related to and necessary for services within this Zoning District of the Town;
3. Accessory buildings and uses customarily incidental to any of the above permitted uses and consistent with other provisions of this Zoning Ordinance, as amended from time to time;
4. Supplementary District Regulations as set forth in CHAPTER 11;
5. Signs as set forth in CHAPTER 16.
6. All uses permitted in the Wetlands and Watercourse Zoning District as set forth in CHAPTER 4.
7. Home Occupations as permitted and set forth in CHAPTER 11, SECTION D.
8. Nameplate or signs as follows: One (1) nameplate for each dwelling unit, excluding illuminated signs of the flashing or animated type not exceeding one and one-half (1 1/2) square feet in area, indicating the name of the occupant or any permitted occupation.

Section C Bulk Requirements:

1. **Height:** The maximum height of any building shall not exceed thirty feet (30') at its peak, measured from twelve inches (12") below the top of the foundation.
2. **Minimum Lot Area and Width:** A lot area of not less than ten thousand (10,000—80' x 125') square feet, and a lot width of not less than eighty feet (80') at the building line shall be provided for every building or other structure erected or used for any use permitted in this Zoning District. Corner lot areas of not less than twelve thousand five hundred (12,500—100' x 125') square feet, and a lot width of not less than one hundred feet (100') at the building line shall be permitted for every building or other structure erected or used for any use permitted in this Zoning District.

3. **Front Yard:** Each lot shall front on a dedicated and improved street. Each front yard in this Zoning District shall extend across the full width of the zoning lot and lying between the lot line which fronts on a street and the nearest line of the principal building on which the main entrance to said building exists. There shall be a minimum front yard between the building line and the highway and street right-of-way lines as follows:
 - a. On existing four (4) lane Federal or State highways, a distance of sixty feet (60');
 - b. On existing two (2) lane Federal or State highways, a distance of seventy-five feet (75');
 - c. On all streets designated as a part of the Federal Aid Urban System, as delineated by the State Highway Commission, a distance of forty feet (40'); and
 - d. On all other streets, a distance of thirty feet (30').
4. **Side Yard:** Each lot, except as otherwise specified, shall have two (2) side yards, each having a width of not less than eight feet (8').
5. **Rear Yard:** There shall be a rear yard of not less than thirty feet (30').
6. **Lot Coverage:** Not more than twenty-five percent (25%) of the area of a lot may be covered by buildings and structures.
7. **Corner Lots:** There shall be a side yard between the building line and the highway or street right-of-way lines as follows, namely: refer to item **3. Front Yard**.
8. **Building Size:** No building shall be erected for residential purposes having minimum ground floor area of less than one thousand five hundred (1,500) square feet, for a single story or bi-level house; or one thousand seven hundred (1,700) square feet, for a one and one-half (1 ½) story or tri-level house; or two thousand two hundred (2,200) square feet, for a two (2) story house. All such areas shall be exclusive of unenclosed porches, terraces and garages.
9. **Attached Garages:** Attached garages on all new homes in this zoning district shall have minimum four hundred (400) square feet. Maximum attached garage size shall be one thousand one hundred (1,100) square feet.
10. **Metal and/or Post Buildings:** Metal and post building types of construction shall not be permitted in this Residential Zoning District as a Primary or Accessory use. Any accessory building greater than one thousand one (1,001) square feet in size shall be exempt from this provision providing it conforms with all other provisions required in CHAPTER 11, Section A.

Section D Parking Requirements:

1. **Off Street Parking:** There shall be at least two (2) parking spaces for each single-family dwelling, but not more than four (4) parking spaces for each single-family dwelling in Residential Zoning District. All other off-street parking requirements for this Residential Zoning District shall be in accordance with the provisions set forth in CHAPTER 12 of this Zoning Ordinance, as amended from time to time.

2. **Parking and Storage of Certain Vehicles:** Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any Residentially zoned or **Resort Zoned** property, other than in completely enclosed buildings.

Section E Landscape Requirements:

Residential development shall landscape in accordance with the provisions set forth in CHAPTER 13 of this Zoning Ordinance, as amended from time to time.

Section F Lighting:

Residential development lighting shall be in accordance with the provisions set forth in CHAPTER 14 of this Zoning Ordinance, as amended from time to time.

6.3 RT Zoning District

Section A Purpose:

The general character of this Residential Zoning District is to consist of two-family dwellings, set on medium sized building lots. This Residential Zoning District is intended to provide for the construction of duplexes or the conversion of single-family residences to two (2) family residences without allowing multi-family housing. This Residential Zoning District may, in some cases, be used as a transition zone between single family residential areas and more intense land use areas.

Section B Permitted Uses:

In Residential Two-Family (RT) Zoning Districts, the following regulations shall apply:

A building may be erected, altered, or used, and a lot may be used or occupied, for any of the following purposes and no other:

1. **Primary Use:** Single-Family Detached Dwelling Units.
2. **Community Facilities:** Municipal facilities and public utility uses directly related to and necessary for services within this Zoning District of the Town;
3. Accessory buildings and uses customarily incidental to any of the above permitted uses and consistent with other provisions of this Zoning Ordinance, as amended from time to time;
4. Supplementary District Regulations as set forth in CHAPTER 11;
5. Signs as set forth in CHAPTER 16;
6. Two-Family dwellings, as regulated herein.
7. All uses permitted in the Wetlands and Watercourse Zoning District as set forth in CHAPTER 4.
8. Home Occupations as permitted and set forth in CHAPTER 11, SECTION D.
9. Nameplate or signs as follows: One (1) nameplate for each dwelling unit, excluding illuminated signs of the flashing or animated type not exceeding one and one-half (1 1/2) square feet in area, indicating the name of the occupant or any permitted occupation.

Section C Bulk Requirements:

1. **Height:** The maximum height of any building shall not exceed thirty feet (30') at its peak, measured from twelve inches (12") below the top of the foundation.

2. **Minimum Lot Area and Width:** A lot area of not less than ten thousand (10,000—80' x 125') square feet, and a lot width of not less than eighty feet (80') at the building line shall be provided for every building or other structure erected or used for any use permitted in this district. Corner lot areas of not less than twelve thousand five hundred (12,500—100' x 125') square feet, and a lot width of not less than one hundred feet (100') at the building line shall be permitted for every building or other structure erected or used for any use permitted in this district.
3. **Front Yard:** Each lot shall front on a dedicated and improved street. Each front yard in this Zoning District shall extend across the full width of the zoning lot and lying between the lot line, which fronts on a street and the nearest line of the principal building on which the main entrance to said building exists. There shall be a minimum front yard between the building line and the highway and street right-of-way lines as follows:
 - a. On existing four (4) lane Federal or State highways, a distance of sixty feet (60');
 - b. On existing two (2) lane Federal or State highways, a distance of seventy-five feet (75');
 - c. On all streets designated as a part of the Federal Aid Urban System, as delineated by the State Highway Commission, a distance of forty feet (40'); and
 - d. On all other streets, a distance of thirty feet (30').
4. **Side Yard:** Each lot, except as otherwise specified, shall have two (2) side yards, each having a width of not less than eight feet (8').
5. **Rear Yard:** There shall be a rear yard of not less than thirty feet (30').
6. **Lot Coverage:** Not more than forty (40%) of the area of a lot may be covered by buildings and structures.
7. **Corner Lots:** There shall be a side yard between the building line and the highway or street right-of-way lines as follows, namely: refer to item 3. Front Yard.
8. **Building Size:** No building shall be erected for residential purposes having a foundation floor area of less than one thousand five hundred (1,500') square feet, for a single-family dwelling; or less than a total foundation floor area of nine hundred (900') square feet per unit for two-family dwellings, exclusive of basements, unenclosed porches, terraces, and garages.
9. **Attached Garages:** Attached garages on all new homes in this Zoning District shall be a minimum four hundred (400') square feet. Maximum attached garage size shall be one thousand one hundred (1,100') square feet if the structure is a single family detached dwelling and six hundred (600') square feet per dwelling unit if the structure is a duplex.

Section D Parking Requirements:

1. **Off Street Parking:** There shall be at least two (2) parking spaces, but not more than four (4) parking spaces for each dwelling unit in this Residential Zoning District. All other off-street parking requirements for this Residential Zoning District shall be in accordance with the provisions set forth in CHAPTER 12 of this Zoning Ordinance, as amended from time to time.

2. **Parking and Storage of Certain Vehicles:** Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned or Resort Zoned property, other than in completely enclosed buildings.

Section E Landscape Requirements:

Residential development shall landscape in accordance with the provisions set forth in CHAPTER 13 of this Zoning Ordinance, as amended from time to time.

Section F Lighting:

Residential development lighting shall be in accordance with the provisions set forth in CHAPTER 14 of this Zoning Ordinance, as amended from time to time.

6.4 RM Zoning District

Section A Purpose:

The general character of this Residential Zoning District is to consist of multiple-family dwellings set in a medium density living environment. The Multiple-Family Residential (RM) Zoning District is designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the non-residential Zoning Districts and the lower-density, single-family Residential Zoning Districts. The Multiple-Family Residential (RM) Zoning District is also designed to serve the limited needs for the apartment type of unit in as otherwise medium to low-density, single-family community.

Section B Permitted Uses:

In Residential Multiple-Family (RM) Zoning Districts, the following regulations shall apply, namely:

A building may be erected, altered, or used, and a lot may be used or occupied, for any of the following purposes and no other:

1. Community Facilities: Municipal facilities and public utility uses directly related to and necessary for services within this Zoning District of the Town;
2. Two-Family Dwellings;
3. Multiple-Family Dwellings;
4. Accessory buildings and uses customarily incidental to any of the above permitted uses and consistent with other provisions of this Zoning Ordinance, as amended from time to time;
5. Supplementary District Regulations as set forth in CHAPTER 11;
6. Signs as set forth in CHAPTER 16.
7. Any use permitted in the Wetlands and Watercourse Zoning District set forth in CHAPTER 4.
8. Home Occupations as permitted and set forth in CHAPTER 11, SECTION D.
9. Nameplate or signs as follows: One (1) nameplate for each dwelling unit, excluding illuminated signs of the flashing or animated type not exceeding one and one-half (1 ½') square feet in area, indicating the name of the occupant or any permitted occupation.

Section C Bulk Requirements:

1. **Height**: The maximum height of any building shall not exceed thirty-five feet (35').
2. **Minimum Lot Area**: The minimum lot size shall be figured according to the following:

<u>Type of Dwelling Unit</u>	<u>Lot Area Per Dwelling Unit-In Square Feet</u>
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4 Bedrooms and Over	4,000
3 Bedrooms	3,000
2 Bedrooms	2,500
1 Bedroom & efficiency units	2,000

3. **Minimum Lot Width:** A lot width of not less than eighty feet (80') at the building line shall be provided for every building or other structure erected or used for any use permitted in this district. Corner lot width of not less than one hundred feet (100') at the building line shall be permitted for every building or other structure erected or used for any use permitted in this district.
4. **Front Yard:** Each lot shall front on a dedicated and improved street. Each front yard in this Zoning District shall extend across the full width of the zoning lot and lying between the lot line which fronts on a street and the nearest line of the principal building on which the main entrance to said building exists. There shall be a minimum front yard between the building line and the highway and street right-of-way lines as follows:
 - a. On existing four (4) lane Federal or State highways, a distance of sixty feet (60');
 - b. On existing two (2) lane Federal or State highways, a distance of seventy-five feet (75');
 - c. On all streets designated as a part of the Federal Aid Urban System, as delineated by the State Highway Commission, a distance of fifty feet (50'); and
 - d. On all other streets, a distance of fifty feet (50').
 - e. No front yard in this Zoning District shall be less than fifty feet (50').
5. **Side Yard:** Each lot, except as otherwise specified, shall have two (2) side yards, each having a width of not less than twenty feet (20').
6. **Rear Yard:** There shall be a rear yard of not less than thirty feet (30').
7. **Lot Coverage:** Not more than forty percent (40%) of the area of a lot may be covered by buildings and structures.
8. **Corner Lots:** There shall be a side yard between the building line and the highway or street right-of-way lines as follows, namely: refer to item 4. Front Yard.
9. **Building Size:** No building shall be erected for residential purposes having a foundation floor area, exclusive of unenclosed porches, terraces and garages, less than the following:

Dwelling Unit	Minimum Floor Area
4 Bedrooms	1200
3 Bedrooms	1000
2 Bedrooms	800
1 Bedroom efficiency units	500

10. **Attached Garages:** Attached garages on all new homes in this Zoning District shall have minimum four hundred (400') square feet. Maximum attached garage size shall be six hundred (600') square feet.
11. **General Provisions:** Prior to issuance of a building permit by the Town, written approval of the building plans must have been received from the State Administrative Building Council, or other required Agencies of the State of Indiana, for all residential structures of three (3) or more units.

Section D Parking Requirements:

1. **Off Street Parking:** There shall be at least two and one-half (2 ½) parking spaces for each dwelling unit in this Residential Zoning District. All other off-street parking requirements for this Residential Zoning District shall be in accordance with the provisions set forth in CHAPTER 12 of this Zoning Ordinance, as amended from time to time.
2. **Parking and Storage of Certain Vehicles:** Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned or Resort Zoned property, other than in completely enclosed buildings.

Section E Landscape Requirements:

Residential development shall landscape in accordance with the provisions set forth in CHAPTER 13 of this Zoning Ordinance, as amended from time to time.

Section F Lighting:

Residential development lighting shall be in accordance with the provisions set forth in CHAPTER 14 of this Zoning Ordinance, as amended from time to time.

6.5 MH Manufactured Homes Zoning District

Section A Purpose:

The purpose and character of this Zoning District is to comply with the minimum requirements of the Laws of the State of Indiana regarding manufactured housing, as set forth in Indiana Code 36-7-4-1106, et. seq., as amended from time to time.

Section B Definitions:

The following definitions shall apply specifically to Manufactured Homes (MH) Zoning Districts:

1. **Add-a-Room Unit:** A unit of manufactured housing not designed as part of the original structure, which may have less occupied space than a manufactured housing section.
2. **ANSI/NFPA 501 A Standard for Installation of Manufactured Mobile Homes:** Model national standards (including all authorized successor documents) for installation of manufactured housing, as adopted and copyrighted by the National Fire Protection Agency and the Manufactured Housing Institute.
3. **Approved:** Acceptable to the appropriate authority having jurisdiction by reason of investigation, accepted principles or tests by nationally recognized organizations.
4. **Expando Unit:** An expandable manufactured housing unit.
5. **Manufactured Home:** A dwelling unit designed and built in a factory, which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards (42 U.S.C. 5401, et. seq.) and constructed after January 1, 1981.
6. **Manufactured or Mobile Home Community (Park):** A parcel of land on which two (2) or more manufactured or mobile homes are occupied as residences.
7. **Occupied Space:** The total area of earth horizontally covered by the structure, excluding accessory structures such as, but not limited to, garages, patios and porches.
8. **One-and Two-Family Dwelling Code, Indiana:** The nationally-recognized model building code prepared by the Council of American Building Officials adopted by the Indiana Administrative Building Council (ABC), as mandated through Public Law 360, Acts of 1972, and which includes those supplements and amendments promulgated by the ABC, to the extent P.L. 360 applies.
9. **Permanent Foundation:** Any structural system for transferring loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

10. **Public Law 360, Acts of 1972:** Enabling legislation requiring the Indiana Administrative Building Council to adopt rules and regulations for the construction, repair or maintenance of factory-built one-or-two-family residential dwelling.
11. **Recreational Vehicle:** A portable vehicular structure not built to the federal Manufactured Housing Construction and Safety Standards Code (or the obsolete ANSI 119.1 Mobile Home Design and Construction Standard) designed for travel, recreational camping or vacation purposes, either having its own motor power or mounted onto or drawn by another vehicle and including, but not limited to, travel and camping trailers, truck campers and motor homes.
12. **Section:** A unit of a manufactured home at least ten feet (10') in body in width and thirty feet (30') in body height.
13. **Support System:** A pad or a combination of footings, piers, caps, plates and shims which, when properly installed, support the manufactured home.

Section C Applicability:

1. **Permitted Placement:** The establishment, location and use of manufactured homes as permanent residences approved individually, by specific materials or by design, shall be permitted in any Zoning District permitting installation of a dwelling unit subject to requirements and limitations applying generally to such residential use in the Zoning District and provided such homes shall meet the following requirements and limitations.
 - a. The dwelling shall meet the appropriate Exterior Appearance Standards, as hereinafter set forth in SECTION D.
 - b. The dwelling shall be sited in a Zoning District where such use is permitted in the Schedule of Uses, as hereinafter set forth in SECTION E.
 - c. The dwelling shall receive all required permits and conform with the Comprehensive Master Plan and other Ordinances of the Town of Cedar Lake, Lake County, Indiana, as amended from time to time.
2. **Location Out of Parks:** This SECTION C shall only apply to manufactured homes located outside of manufactured home communities (parks).
3. **Non-Conforming Homes:** A manufactured or mobile home placed and maintained on a tract of land and deemed to be a legal non-conforming use prior to the adoption of this Zoning Ordinance, shall continue to be a legal non-conforming use. If the non-conforming use is discontinued, the land thereafter must be used in conformity with all provisions of this Zoning Ordinance, as amended from time to time.
4. **Replacement of Non-Conforming Homes:** Thereafter, upon application to the designated Town Building Official or subsequent approval thereof, a manufactured or mobile home, deemed a legal non-conforming use, may be replaced by a manufactured home.

5. **Structural Alteration:** Due to its integral design, any structural alteration or modification of a manufactured or mobile home after it is placed on the site must be approved by the designated Building Official of the Town of Cedar Lake, Lake County, Indiana.

Section D Exterior Appearance Standards:

Manufactured homes shall be constructed and placed to be substantially similar or compatible with site-constructed residences in the Zoning District where sited. Each manufactured home shall:

1. Have a minimum of sixteen hundred (1,600) square feet of occupied space in a double-section or larger multi-section unit (single wide units are not allowed);
2. Be placed onto a permanent perimeter foundation;
3. Have wheels, axles and hitch mechanisms removed;
4. Have utilities connected in accordance with the One-and Two-Family Dwelling Building Code and Manufacturer's specifications;
5. Have siding material of a type customarily used on site-constructed residences (the designated Town Building Official may compile a list of pre-approved materials);
6. Have roofing material of a type customarily uses on site-constructed residences (the designated Town Building Official may compile a list of pre-approved materials); and
7. Must be placed on a lot of record that is a minimum of ten thousand (10,000) square feet.

Section E Schedule of Uses:

Manufactured homes are permitted as follows:

P = Permitted Use

X= Prohibited Use

Low Density Residential (R-1)	X
Medium Density Residential (R-2)	P
High Density Residential (RT)	P
Multi-Family Residential (RM)	P
Agricultural (A)	P
Business Zones (B-1, B-2, and B-3)	X
Light Industry (M-1)	X
Resort	P

Section F Installation Standards:

1. **Permanent Perimeter Enclosure:** Those manufactured homes designated in this Zoning Ordinance, as amended from time to time, must be set onto an excavated area with permanent perimeter foundations, footings and crawl space or basement walls constructed in accordance with the terms of the one-and two-Family Dwelling Code. The space between the floor joists of the home and the excavated under-floor grade shall be completely enclosed (except for required openings).

2. **Support System:**

- a. **Manufactured Homes:** All manufactured housing load-bearing foundations shall be installed in conformance with the regulations in the One-and Two-Family Dwelling Building Code and with the manufacturer's installation specifications.
- b. **PL 36 Code Home:** All PL 360 Code Home foundations shall be installed in conformance with the regulations in the One-and Two-Family Dwelling Building Code and with the manufacturer's installation specifications.

Section G Permits:

- 1. **Improvement Location Permit Requirements:** Prior to the location, relocation or establishment of any manufactured home, the home owner or authorized representative shall secure an Improvement Location Permit from the designated Town Building Official, which states that the building and its location conform with the then Town current Comprehensive Master Plan. Each application for an Improvement Location Permit shall be accompanied by:
 - i. Those plot plans as required for all dwelling units but which at a minimum include elevations or photographs of all sides of the home, exterior dimensions, roof materials, foundation siding or permanent perimeter enclosure treatment, foundation siding or perimeter retaining wall treatment, foundation construction and materials, exterior finishes and the like (see the Manufactured Home Data Sheet at the end of this Zoning Ordinance);
 - ii. Lake County Health Department approval for any sewage disposal or water supply, where applicable;
 - iii. P.U.D. Zoning District, or subdivision permit approval, where applicable;
 - iv. A copy of the manufacturer approved installation instructions, which will be used for inspection purposes, where applicable;
 - v. Such other information, as may be required by the designated Town Building Official for proper enforcement of this Zoning Ordinance, as amended from time to time; and
 - vi. An agreement signed by the homeowner or authorized representative pledging compliance with any terms set by the Plan Commission in the Improvement Location Permit.
- 2. **Support System:** Prior to the occupancy of any manufactured or mobile home, the homeowner or authorized representative shall secure a Certificate of Occupancy from the designated Town Building Official, stating that the building and its use comply with all provisions of the Zoning Ordinance, as amended from time to time, or any other Ordinances applicable to the building or the use in the Zoning District in which it is to be located
- 3. **Failure to Obtain Required Permits:** Failure to obtain either an Improvement Location Permit or a Certificate of Occupancy shall be a violation of this Zoning Ordinance, as amended from time to time, and subject to penalties and enforcement remedies in accordance with the terms hereof.

Section H Penalty for Violation:

1. **Failure to Comply:** Each day of non-compliance with the provisions of this Zoning Ordinance, as amended from time to time, constitutes a separate and distinct Ordinance violation. Fines and judgments pursuant to the penalty provisions of this Zoning Ordinance, as amended from time to time, may be entered for violations hereof.
2. **Subject to Removal:** A home, sited upon property in violation of this Zoning Ordinance, as amended from time to time, shall be subject to removal from such property. However, the homeowner must be given a reasonable opportunity to bring the property into compliance before action for removal can be taken. If action finally is taken by the appropriate authority to bring compliance, the expenses involved may be made a lien against the property.
3. **Removal Method:** The Town Attorney may institute a suit in an appropriate Court for injunctive relief to cause such violation to be prevented, abated or removed.

Section I Parking Requirements:

A minimum of two (2) off street parking spaces shall be required per home

Section J Landscape Requirements:

Residential development shall landscape in accordance with the provisions set forth in CHAPTER 13 of this Zoning Ordinance, as amended from time to time.

Section K Lighting:

Residential development lighting shall be in accordance with the provisions set forth in CHAPTER 14 of this Zoning Ordinance, as amended from time to time.

Section L Signs:

Shall be in compliance with the regulations in CHAPTER 16 herein

Chapter 7– BUSINESS DISTRICTS

7.1 B-1 Neighborhood Business Zoning District:

Section A Purpose:

The Neighborhood Business (B-1) Zoning District, as hereinafter established, is intended to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas. All business establishments in this Zoning District shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on this premises where produced.

Section B General Provisions:

The following provisions shall apply to Neighborhood Business (B-1) Zoning Districts, namely:

1. All business, service, storage, merchandise, display, and where permitted, repair and processing, shall be conducted wholly within an enclosed building, unless authorized as a variance, and except as otherwise permitted herein for specified uses such as off-street automobile parking, off-street loading, and the like.
2. Good sold shall be sold at retail on the premises unless otherwise permitted herein for specified uses.
3. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter, or water-carried waste.
4. In any Business Zoning District where a commercial building is located on a lot which abuts property zoned for residential use, an opaque landscape screen, an opaque fence or screening having a minimum height of six (6') feet shall be provided along any side and/or rear lot line contiguous to the property zoned for residential use.
5. Sign requirements shall be in accordance with the provisions set forth in CHAPTER 16 of this Zoning Ordinance, as amended from time to time.
6. Lighting requirements shall be in accordance with the provisions set forth in CHAPTER 14 of this Zoning Ordinance, as amended from time to time.
7. Landscaping requirements shall be in accordance with the provisions set forth in CHAPTER 13 of this Zoning Ordinance, as amended from time to time.

8. Parking requirements shall be in accordance with the provisions set forth in CHAPTER 12 of this Zoning Ordinance, as amended from time to time.
9. Supplementary regulations shall be in accordance with the provisions set forth in CHAPTER 11 of this Zoning Ordinance, as amended from time to time.
10. In accordance with Chapter 13, Section F, item 2, all Business, Conditional and Industrial Zoning Districts, where garbage, refuse and other debris is maintained and kept or stored outside any principal building and/or accessory building/structures, the garbage, refuse and other debris shall be stored within corrals or structures designed to screen the garbage, refuse and debris from public view.
11. Special Activity permits may be obtained through process and procedures established by the Town for temporary outdoor sales, public rummage sales, flea markets, swap meets, farmers market, special events or promotional events.

Section C Permitted Uses:

Any use permitted in the Wetlands and Watercourse Zoning District Chapter 4.

In Neighborhood Business (B-1) Zoning Districts, each business establishment is restricted to not more than five thousand (5,000') square feet of floor area and the following uses are permitted:

1. Generally recognized retail business which supplies commodities on the premises for persons residing in adjacent residential area, such as, but not limited to, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware;
2. Personal service establishment which performs services on the premises such as, but not limited to, repair shops, tailor shops, beauty parlors or barber shops, photographic studios and self-service laundries (Laundromat);
3. Dry cleaning establishments or pick-up stations, dealing directly with consumers. Central dry-cleaning plants serving more than one (1) retail outlet shall be prohibited;
4. Business establishments which perform services on the premises, such as, but not limited to, banks, loan companies, insurance offices and real estate offices;
5. Appliance Repair;
6. Bakery;
7. Book or Stationary Stores;

8. Laundry Service using not more than two (2) clothes units neither of which shall have a rated capacity of more than forty (40) pounds, and which use cleaning fluid that is non-explosive and non-flammable;
9. Clothing Store;
10. Drug Store;
11. Florist or Gift Shop;
12. Grocery, Fruit or Vegetable Stores;
13. Hardware or Appliance Store;
14. Jewelry Store including watch repair;
15. Meat Market or Delicatessens
16. Offices (Business or Professional);
17. Photographer Studio;
18. Restaurants (excluding dancing, entertainment, serving alcoholic beverages and drive-in service establishments);
19. Shoe Stores or Repair Shop;
20. Variety Stores;
21. Wearing Apparel;
22. Other retail business and service establishments, not specifically referred to in this Zoning Ordinance, consistent with the purpose of this Neighborhood Business (B-1) Zoning District;
23. Other uses similar to the above uses, provided they are not listed in a less restricted Zoning District;
24. Accessory structures necessary to support the primary use;
25. Public parking area for the exclusive use of the patrons of the stores, shops and businesses in this Zoning District shall be allowed when located and developed as required in CHAPTER 12;
26. Dwelling units may be provided above the ground floor of commercial structures; and

27. Drive-up Service Window(s) shall be permitted incidental to the permitted uses outlined in this section; provided that such will not create problems concerning traffic control, ingress, egress and the general public safety, such use shall be made only upon specific application to and approval of the Plan Commission and any costs involving professional services for engineering and traffic studies shall be the responsibility of the person or party seeking such incidental use.

Section D Bulk Requirements:

1. **Height:** The maximum height of any building shall not exceed thirty feet (30').
2. **Minimum Lot Area and Width:** A minimum lot area of not less than ten thousand (10,000') square feet, and a lot width of not less than fifty (50') feet at the building line shall be provided for every building or others structure erected or used for any use permitted in this Business Zoning District, and in no case shall an individual establishment exceed five thousand (5,000') square feet of floor space.
3. **Front Yard:** Each lot shall front on a dedicated and improved street. There shall be a minimum front yard between the building line and the highway line and the highway or street right-of-way lines as follows:
 - a. On existing four (4) lane Federal or State highways, a distance of sixty feet (60');
 - b. On existing two (2) lane Federal or State highways, a distance of seventy-five feet (75');
 - c. On all streets designated as a part of the Federal Aid Urban System, as delineated by the State Highway Commission, a distance of fifty feet (50'); and
 - d. On all other streets, a distance of thirty feet (30').
4. **Side Yard:**
 - a. On corner lots, each side yard abutting a street shall be the same.
 - b. On a lot abutting any Residential Zoning District, there shall be a side yard abutting such Zoning District having a width of not less than twenty feet (20'), which shall be effectively screened from abutting lots by a strip of planting not less than eight feet (8') in ultimate width, such planting consisting of not less than fifty percent (50%) evergreen material scattered throughout.
 - c. All interior lots shall have two (2) side yards, each having a width of not less than seven feet (7'), except where party wall is used.
 - d. Where abutting lots have buildings or other structures, employing a common party wall, no side yard is required.
5. **Rear Yard:**
 - a. There shall be a rear yard on each lot, the distance shall be not less than thirty (30') feet from the rear lot line.
 - b. On a lot abutting any Residential Zoning District, there shall be a rear yard abutting such Zoning District having a width of not less than thirty feet (30'), which shall be

effectively screened from abutting lots by a strip of planting not less than ten feet (10') in ultimate width, such planting consisting of not less than fifty percent (50%) evergreen material scattered throughout.

6. **Lot Coverage:** Not more than fifty percent (50%) of the area of a lot may be covered by buildings and structures.

7.2 B-2 Community Business Zoning District:

Section A Purpose:

The Community Business (B-2) Zoning District is intended to provide for the needs of a larger consumer population than is served by the Neighborhood Business (B-1) Zoning District, and is generally characterized by an integrated cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic.

Section B General Provisions:

The following provisions shall apply to Community Business (B-2) Zoning Districts, namely:

1. All business, service, storage, merchandise, display, and where permitted, repair and processing, shall be conducted wholly within an enclosed building, unless authorized and approved as a variance, and except as otherwise permitted herein for specified uses such as off-street automobile parking, off-street loading, and the like.
2. Good sold shall be sold at retail on the premises unless otherwise permitted herein for specified uses.
3. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter, or water-carried waste.
4. In any Business Zoning District where a commercial building is located on a lot which abuts property zoned for residential use, an opaque landscape screen, an opaque fence or screening having a minimum height of six (6') feet shall be provided along any side and/or rear lot line contiguous to the property zoned for residential use.
5. Sign requirements shall be in accordance with the provisions set forth in CHAPTER 16 of this Zoning Ordinance, as amended from time to time.
6. Lighting requirements shall be in accordance with the provisions set forth in CHAPTER 14 of this Zoning Ordinance, as amended from time to time.
7. Landscaping requirements shall be in accordance with the provisions set forth in CHAPTER 13 of this Zoning Ordinance, as amended from time to time.
8. Parking requirements shall be in accordance with the provisions set forth in CHAPTER 12 of this Zoning Ordinance, as amended from time to time.
9. Supplementary regulations shall be in accordance with the provisions set forth in CHAPTER 11 of this Zoning Ordinance, as amended from time to time.

10. In all Business, Conditional and Industrial Zoning Districts, where garbage, refuse and other debris is maintained and kept or stored outside any principal building and/or accessory building/structures, the garbage, refuse and other debris shall be stored within corrals or structures designed to screen the garbage, refuse and debris from public view.
11. Special Activity permits may be obtained for temporary outdoor sales, public rummage sales, flea markets, swap meets, farmers market, special events or promotional events.

Section C Permitted Uses:

Any use permitted in the Wetlands and Watercourse District Chapter 4;

In Community Business (B-2) Zoning Districts, the following uses are permitted:

1. Any business or commercial uses permitted in the Neighborhood Business (B-1) Zoning District, subject to the regulations of this Zoning Ordinance, as amended from time to time, for this Zoning District;
2. Any retail business whose principal activity is the sale of merchandise in an enclosed building;
3. Antique Store;
4. Art and School Supply Stores;
5. Bicycle Store;
6. Bridal and Tuxedo Shop;
7. Camera and Photographic Supply Store;
8. Carpet and Tile Stores;
9. Department Store;
10. Dressmaker, Millinery, Sartorial or Tailor Shop;
11. Electronic and Electrical Appliance Store;
12. Employment Agency;
13. Fitness Center, Day Spa and Tanning Salon;
14. Funeral Home;

15. Furniture Store, including upholstery when conducted as part of retail operation;
16. Furrier, including incidental storage and conditioning services;
17. Garden Supply and Seed Store, excluding open lot sales;
18. Health Food Store;
19. Hobby Shop, retailing items to be assembled or used away from the premises;
20. Interior Decorating Shop, including upholstery and making of draperies, slip covers, and other similar articles when conducted as part of the retail operations;
21. Leather Goods Store;
22. Library, Public;
23. Liquor Stores;
24. Locksmith Store;
25. Motel;
26. Music Store, including instrument repair;
27. Newspaper offices, but not including printing;
28. Office supply stores;
29. Optician, Optometrist and Ophthalmologist Offices;
30. Paint and Wallpaper Stores;
31. Pet Store, provided that animals are not boarded or bred on premises;
32. Photographic Print Shop, including enlargements and picture framing;
33. Second Hand Clothing;
34. Sporting Goods Store;
35. Tavern, where live entertainment is not provided;
36. Tobacco Shop, retail:

37. Theater, Assembly Hall, Concert Hall or similar places of assembly, when conducted completely within enclosed buildings;
38. Travel Bureau;
39. Toy Store;
40. Video Rental and Sales Store; and
41. Dwelling units may be provided above the ground floor of commercial structures.

Section D Bulk Requirements:

1. **Height:** The maximum height of any building shall not exceed thirty feet (30').
2. **Minimum Lot Area and Width:** A minimum lot area of not less than ten thousand (10,000') square feet, and a lot width of not less than eighty (80') feet at the building line shall be provided for every building or other structure erected or used for any use permitted in this Zoning District. In the case of a Developmental Plan, the heights of buildings and other structures erected or enlarged in this Zoning District, and area, width, yard and building coverage requirements therefore, shall be as specified on or in connection with the aforesaid Developmental Plan.
3. **Front Yard:** Each lot shall front on a dedicated and improved street. There shall be a minimum front yard between the building line and the highway line and the highway or street right-of-way lines as follows:
 - a. On existing four (4) lane Federal or State highways, a distance of sixty feet (60');
 - b. On existing two (2) lane Federal or State highways, a distance of seventy-five feet (75');
 - c. On all streets designated as a part of the Federal Aid Urban System, as delineated by the State Highway Commission, a distance of fifty feet (50'); and
 - d. On all other streets, a distance of thirty feet (30').
4. **Side Yard:**
 - a. On corner lots, each side yard abutting a street shall be the same.
 - b. On a lot abutting any Residential Zoning District, there shall be a side yard abutting such Zoning District having a width of not less than twenty-five feet (25'), which shall be effectively screened from abutting lots by a strip of planting not less than eight feet (8') in ultimate width, such planting consisting of not less than fifty percent (50%) evergreen material scattered throughout.
 - c. All interior lots shall have two (2) side yards, each having a width of not less than twelve feet (12'), except where party wall are used.
 - d. Where abutting lots have buildings or other structures, employing a common party wall, no side yard is required.

5. **Rear Yard:**

- a. There shall be a rear yard on each lot, the distance shall be not less than thirty (30') feet from the rear lot line.
- b. On a lot abutting any Residential Zoning District, there shall be a rear yard abutting such Zoning District having a width of not less than thirty feet (30'), which shall be effectively screened from abutting lots by a strip of planting not less than ten feet (10') in ultimate width, such planting consisting of not less than fifty percent (50%) evergreen material scattered throughout.

6. **Lot Coverage:** Not more than fifty percent (50%) of the area of a lot may be covered by buildings and structures.

7.3 B-3 General Business Zoning District:

Section A Purpose:

The General Business (B-3) Zoning District is intended to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the Neighborhood Business (B-1) Zoning District or the Community Business (B-2) Zoning District. The General Business (B-3) Zoning District is intended to serve predominantly motorists.

Section B General Provisions:

The following provisions shall apply to General Business (B-3) Zoning Districts, namely:

1. All business, service, storage, merchandise, display, and where permitted, repair and processing, shall be conducted wholly within an enclosed building, unless approved and authorized as a variance, and except as otherwise permitted herein for specified uses such as off-street automobile parking, off-street loading, and the like.
2. Good sold shall be sold at retail on the premises unless otherwise permitted herein for specified uses.
3. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter, or water-carried waste.
4. In any Business Zoning District where a commercial building is located on a lot which abuts property zoned for residential use, an opaque landscape screen, an opaque fence or screening having a minimum height of six (6') feet shall be provided along any side and/or rear lot line contiguous to the property zoned for residential use.
5. Sign requirements shall be in accordance with the provisions set forth in CHAPTER 16 of this Zoning Ordinance, as amended from time to time.
6. Lighting requirements shall be in accordance with the provisions set forth in CHAPTER 14 of this Zoning Ordinance, as amended from time to time.
7. Landscaping requirements shall be in accordance with the provisions set forth in CHAPTER 13 of this Zoning Ordinance, as amended from time to time.
8. Parking requirements shall be in accordance with the provisions set forth in CHAPTER 12 of this Zoning Ordinance, as amended from time to time.
9. Supplementary regulations shall be in accordance with the provisions set forth in CHAPTER 11 of this Zoning Ordinance, as amended from time to time.

10. In all Business, Conditional and Industrial Zoning Districts, where garbage, refuse and other debris is maintained and kept or stored outside any principal building and/or accessory building/structures, the garbage, refuse and other debris must be stored within corrals or structures designed to screen the garbage, refuse and debris from public view.
11. Special Activity permits may be obtained for temporary outdoor sales, public rummage sales, flea markets, swap meets, farmers market, special events or promotional events.

Section C Permitted Uses:

Any use permitted in the Wetlands and Watercourse District.

In General Business (B-3) Zoning Districts, the following uses are permitted, namely:

1. Any business or commercial uses permitted in the Community Business (B-2) Zoning District, subject to the regulations of this Zoning Ordinance, as amended from time to time, for this Zoning District;
2. Amusement Establishments, Indoor and Outdoor, such as bowling alleys, pool halls, dancing halls, gymnasiums, swimming pools and skating rinks, and other similar uses;
3. Automobile Service Center, and Automobile Service Station;
4. Blueprinting and photocopying establishments;
5. Building Materials Sales, with accessory enclosed or fenced storage;
6. Caskets and Casket Supplies;
7. Catering Establishments;
8. Construction Office, including storage of construction vehicles;
9. Club or Lodge, private, fraternal or religious;
10. Extermination Shop;
11. Frozen Food Store, including locker rental in conjunction therewith;
12. Garages, Parking Private or Public;
13. Garden Supply Center with open fenced lot sales;

14. Hotel;
15. Machinery and Equipment Sales and Rental;
16. Monument Sales;
17. Orthopedic and Medical Appliance store, but not including the assembly or manufacture of such articles;
18. Parking Area or Lot, private or public;
19. Plumbing Showroom and Shop;
20. Radio and Television, service and repair; and
21. Typewriter, Calculator and Computer, service and repair.

Section D Bulk Requirements:

1. **Height:** The maximum height of any building shall not exceed thirty feet (30').
2. **Minimum Lot Area and Width:** lot area of not less than forty thousand (40,000') square feet, and a lot width of not less than one hundred feet (100') at the building line shall be provided for every building or other structure erected or used for any use permitted in this Zoning District. In the case of a Planned Unit Developmental Plan, the heights of buildings and other structures erected or enlarged in this Zoning District, and area, width, yard and building coverage requirements, therefore, shall be as specified on or in connection with the aforesaid approved and agreed upon Planned Unit Developmental Plan.
3. **Front Yard:** Each lot shall front on a dedicated and improved street. There shall be a minimum front yard between the building line and the highway line and the highway or street right-of-way lines as follows:
 - a. On existing four (4) lane Federal or State highways, a distance of sixty feet (60');
 - b. On existing two (2) lane Federal or State highways, a distance of seventy-five feet (75');
 - c. On all streets designated as a part of the Federal Aid Urban System, as delineated by the State Highway Commission, a distance of fifty feet (50'); and
 - d. On all other streets, a distance of thirty feet (30').
4. **Side Yard:**
 - a. On corner lots, each side yard abutting a street shall be the same as the front yard setback.
 - b. On a lot abutting any Residential Zoning District, there shall be a side yard abutting such Zoning District having a width of not less than fifteen feet (15'), which shall be effectively screened from abutting lots by a strip of planting not less than fifteen feet (15') in ultimate

width, such planting consisting of not less than fifty percent (50%) evergreen material scattered throughout.

- c. All interior lots shall have two (2) side yards, each having a width of not less than five feet (5'), except where party wall is used.
- d. Where abutting lots have buildings or other structures, are employing a common party wall, no side yard is required.

5. **Rear Yard:**

- a. There shall be a rear yard on each lot, with the distance shall not be not less than thirty (30') feet from the rear lot line.
- b. On a lot abutting any Residential Zoning District, there shall be a rear yard abutting such Zoning District having a width of not less than thirty feet (30'), which shall be effectively screened from abutting lots by a strip of planting not less than ten feet (10') in ultimate width, such planting consisting of not less than fifty percent (50%) evergreen material scattered throughout.

6. **Lot Coverage:** Not more than fifty percent (50%) of the area of a lot may be covered by buildings and structures.

7.4 RS Planned Resort Zoning District:

Section A Purpose:

The Planned Resort (RS) Zoning District is intended to provide for “Lake Oriented” Commercial activities in such a way as to allow for safe and economic development.

Section B General Provisions:

The following provisions shall apply to Planned Resort (RS) Zoning Districts, namely:

1. Goods sold shall consist primarily of new merchandise, and any goods produced on the premises shall be sold at retail on the premises unless otherwise permitted herein for specified uses.
2. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter, or water-carried waste.
3. Where a Commercial building is located on a lot which abuts property zoned for residential use, an opaque landscape screen, an opaque fence or screening having a minimum height of six (6') feet shall be provided along any side and/or rear lot line contiguous to the property zoned for residential use.
4. Sign requirements shall be in accordance with the provisions set forth in CHAPTER 16 of this Zoning Ordinance, as amended from time to time.
5. Lighting requirements shall be in accordance with the provisions set forth in CHAPTER 14 of this Zoning Ordinance, as amended from time to time.
6. Landscaping requirements shall be in accordance with the provisions set forth in CHAPTER 13 of this Zoning Ordinance, as amended from time to time.
7. Parking requirements shall be in accordance with the provisions set forth in CHAPTER 12 of this Zoning Ordinance, as amended from time to time.
8. Supplementary regulations shall be in accordance with the provisions set forth in CHAPTER 11 of this Zoning Ordinance, as amended from time to time.
9. In all Business, Conditional and Industrial Zoning Districts, where garbage, refuse and other debris is maintained and kept or stored outside any principal building and/or accessory building/structures, the garbage, refuse and other debris must be stored within corrals or structures designed to screen the garbage, refuse and debris from public view.

10. Special Activity permits may be obtained under applicable Town policies and procedures for same for temporary outdoor sales, public rummage sales, flea markets, swap meets, farmers market, special events or promotional events.

Section C Permitted Uses:

Any use permitted in the Wetlands and Watercourse District Chapter 4.

The following permitted uses are allowed in the Planned Resort (RS) Zoning District, namely:

1. Any use allowed in the Residential (R2) Zoning District, subject to the conditions for that Zoning District, and all regulations of this Zoning Ordinance, as amended from time to time;
2. Municipal or private development of either the berthing, protection or servicing of recreational boats, yachts, cruisers, inboards, outboards and sailboats;
3. Commissary facilities for the provision of food, beverages, and the like, to be stored aboard boats;
4. Municipal or private beaches, water related recreation areas, parks and campgrounds;
5. Retail businesses which supply commodities for persons using the facilities of the Zoning District such as sale of boats, engines and accessories, fishing equipment, bait, and other similar items;
6. Restaurants, lounges, taverns or clubs;
7. bed & breakfast and vacation homes; and
8. Other uses of a similar nature, which are not included in a more restrictive Zoning District.

Section D Conditional Uses:

The following uses shall also be permitted, subject to the conditions herein imposed for each use, namely:

1. Cottages, homes, and lodges, subject to the following conditions:
 - a. Access shall be provided so as not to conflict with any adjacent residential use or adversely affect traffic flow on a major or secondary thoroughfare; and
 - b. No building shall be erected for residential purposes having a foundation floor area of less than one thousand (1,000') square feet for a single-family primary dwelling, exclusive of basements, unenclosed porches, terraces, and garages.
2. Engine and Boat Repair Shop when conducted within a completely enclosed building or completely obscured from view beyond the property boundaries with a continuous wall or opaque fence six (6') feet in height; and

3. Boat Fuel Station when at least two hundred feet (200') distant from an abutting Residential Zoning District.

Section E Bulk Requirements:

1. **Height:** The maximum height of any building shall not exceed thirty feet (30').
2. **Minimum Lot Area and Width:** Every lot used for residential purposes shall have a minimum width at the building line of eighty (80') feet, and a minimum area of ten thousand (10,000) square feet.
3. **Front Yard:** Each lot shall front on a dedicated and improved street. There shall be a minimum front yard between the building line and the highway line and the highway or street right-of-way lines as follows:
 - a. On existing four (4) lane Federal or State highways, a distance of sixty feet (60');
 - b. On existing two (2) lane Federal or State highways, a distance of seventy-five feet (75');
 - c. On all streets designated as a part of the Federal Aid Urban System, as delineated by the State Highway Commission, a distance of fifty feet (50'); and
 - d. On all other streets, a distance of thirty feet (30').
4. **Side Yard:**
 - a. On corner lots, each side yard abutting a street shall be the same.
 - b. On a lot abutting any Residential Zoning District, or more restrictive Zoning District, there shall be a side yard abutting such Zoning District having a width of not less than fifteen feet (15'), which shall be effectively screened from abutting lots by a strip of planting not less than five feet (5') in ultimate width, such planting consisting of not less than fifty percent (50%) evergreen material scattered throughout.
 - c. All interior lots shall have two (2) side yards, each having a width of not less than five feet (5'), except where party wall is used.
 - d. Where abutting lots have buildings or other structures, employing a common party wall, no side yard is required.
5. **Rear Yard:**
 - a. There shall be a rear yard on each lot, the distance shall be not less than thirty (30') feet from the rear lot line.
 - b. On a lot abutting any Residential Zoning District, there shall be a rear yard abutting such Zoning District having a width of not less than thirty feet (30'), which shall be effectively screened from abutting lots by a strip of planting not less than ten feet (10') in ultimate width, such planting consisting of not less than fifty percent (50%) evergreen material scattered throughout.
6. **Lot Coverage:** Not more than fifty percent (50%) of the area of a lot may be covered by buildings and structures.

Section F Parking and Vehicle Storage:

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned or **Resort Zoned** property, other than in completely enclosed buildings.

Section G Accessory Buildings:

- a. **Attached Garages:** Attached garages on all new homes in this Zoning District shall be a minimum of four hundred (400') square feet. The maximum size for an attached garage shall be eight hundred sixty-four (864') square feet.
- b. **Metal and/or Post Buildings:** Metal and post building types of construction shall not be permitted in this Residential Zoning District as a Primary or Accessory use. Any accessory building greater than one thousand one (1,001') square feet in size shall be exempt from this provision providing it conforms with all other provisions required in CHAPTER 11, Section A. Buildings.

7.5 CD-A Conditional Development Type A Zoning District:

Section A Purpose:

The general purpose of this Conditional Development Type A Zoning District is to protect the public health, safety, comfort and general welfare concerning uses and activities that have a serious impact on the environment and on adjacent properties, uses and Zoning Districts, as well as to provide a proper classification for the approval of such uses and activities.

Section B General Provisions:

The following provisions shall apply to Conditional Development Type A (CD-A) Zoning District, namely:

1. Dwelling units shall not be permitted.
2. All business, service, storage, merchandise, display, and where permitted, repair and processing, shall be conducted wholly within an enclosed building, unless approved and authorized as a variance.
3. Processes and equipment employed, and goods processed or sold shall be limited to those which are deemed not objectionable by reason of noise, vibration or public standards.
4. Where a commercial building is located on a lot which abuts property zoned for residential use, an opaque landscape screen, an opaque fence or screening having a minimum height of six (6') feet shall be provided along any side and/or rear lot line contiguous to the property zoned for residential use.
5. No permitted or approved uses shall be located within a three hundred feet (300') radius of any Residential Zoning District.
6. Sign requirements shall be in accordance with the provisions set forth in CHAPTER 16 of this Zoning Ordinance, as amended from time to time.
7. Lighting requirements shall be in accordance with the provisions set forth in CHAPTER 14 of this Zoning Ordinance, as amended from time to time.
8. Landscaping requirements shall be in accordance with the provisions set forth in CHAPTER 13 of this Zoning Ordinance, as amended from time to time.
9. Parking requirements shall be in accordance with the provisions set forth in CHAPTER 12 of this Zoning Ordinance, as amended from time to time.

Section C Permitted Uses:

The following permitted uses are allowed in the Conditional Development Type A (CD-A) Zoning District:

1. Adult Motion Picture Theater;
2. Adult Mini-Motion Picture Theater;
3. Adult Cabaret;
4. Massage Parlor; and
5. Adult Book and Video Store.

The above-described permitted uses may be approved only after application is made and public hearing is conducted as provided by the laws of the State of Indiana and the provisions of this Zoning Ordinance, as amended from time to time. The permitted uses also shall be approved only when in conformance with all the requirements of this Zoning Ordinance, as amended from time to time.

Section D Definitions:

The following definitions shall apply to every Conditional Development Type A (CD-A) Zoning District, namely:

1. **Adult Bookstore:** An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined below), or an establishment with a segment or section devoted to the sale or display of such material.
2. **Adult Cabaret:** A cabaret which features go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.
3. **Adult Motion Picture Theater:** An enclosed building with a capacity of one hundred fifty (150) or more persons use for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined below), for observation by patrons therein.
4. **Adult Mini-Motion Picture Theater:** An enclosed building with a capacity for less than one hundred fifty (150) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as define below), for observation by patrons.
5. **Massage Establishment:** Any establishment having fixed place of business where massages are administered for pay including but not limited to massage parlors, health clubs, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic or the office of a physician, surgeon, chiropractor, osteopath or physical therapist duly licensed by the State of Indiana nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a volunteer fire department, a volunteer rescue squad or non-profit organization operating a community center, swimming pool, tennis court or other educational,

cultural, recreational and athletic facilities and facilities for the welfare of the residents of the Town of Cedar Lake.

6. Specified Anatomical Areas:

- a. Less than completely and opaquely covered:
- b. Human genitals, pubic region;
- c. Buttock; and
- d. Female breasts below a point immediately above the top of the areola.

7. Specified Sexual Activities:

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse or sodomy;
- c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.

Section E General Requirements:

Any building or use in a Conditional Development Type A Zoning District must comply with the height, bulk and front side and rear yard regulations for the underlying Zoning District in which said building or use is located, in addition to the regulations set out in this Subsection 6.5.

Section F Special Conditions:

In approving any Conditional Development Type A Zoning District, the Plan Commission and/or the Town Council may require any special conditions or provisions necessary for the protection of adjacent property owners or other residents in the Town of Cedar Lake or any such special conditions or provisions reasonably required to protect the general public health and welfare, including, but not limited to, compliance with any all laws or Ordinances affecting the intended use or performance bonds to indemnify against loss or injury to residents.

Section G Zoned for Specific Use Only:

Any amendment to the Cedar Lake Zoning Ordinance reclassifying property to a Conditional Development Type A Zoning District shall specify that said amendment is granted only for the purpose of permitting a specific use. No other use available under this Zoning District shall be lawful unless subsequent approval is given by the Cedar Lake Plan Commission and the Town Council of the Town of Cedar Lake.

7.6 CD-B Conditional Development Type B Zoning District:

Section A Purpose:

The general purpose of this Conditional Development Type B Zoning District is to protect the public health, safety, comfort, and general welfare concerning uses and activities that have a serious impact on the environment and on adjacent properties, uses and Zoning Districts, as well as to provide a proper classification for the approval of such uses and activities.

Section B General Provisions:

The following provisions shall apply to Conditional Development Type B (CD-B) Zoning District, namely:

1. Dwelling units shall not be permitted.
2. All business, service, storage, merchandise, display, and where permitted, repair and processing, shall be conducted wholly within an enclosed building, unless approved and authorized as a variance.
3. Processes and equipment employed, and goods processed or sold shall be limited to those which are deemed not objectionable by reason of noise, vibration or public standards.
4. Where a commercial building is located on a lot which abuts property zoned for residential use, an opaque landscape screen, an opaque fence or screening having a minimum height of six (6') feet shall be provided along any side and/or rear lot line contiguous to the property zoned for residential use.
5. No permitted or approved uses shall be located within a three hundred (300') feet radius of any Residential Zoning District.
6. Sign requirements shall be in accordance with the provisions set forth in CHAPTER 16 of this Zoning Ordinance, as amended from time to time.
7. Lighting requirements shall be in accordance with the provisions set forth in CHAPTER 14 of this Zoning Ordinance, as amended from time to time.
8. Landscaping requirements shall be in accordance with the provisions set forth in CHAPTER 13 of this Zoning Ordinance, as amended from time to time.
9. Parking requirements shall be in accordance with the provisions set forth in CHAPTER 12 of this Zoning Ordinance, as amended from time to time.

Section C Permitted Uses:

The following permitted uses are allowed in the Conditional Development Type B (CD-B) Zoning District, namely:

1. **Quarries and Borrow Pits:** Whenever quarries, borrow pits, sand mines and peat mines are requested, a public hearing shall be conducted by the Cedar Lake Plan Commission for the purpose of providing parks, recreational areas or other use upon the completion of the project. In such cases, the operator shall submit a plan to show the depth and extent and indicate the size of the excavations and the proposed use of the land when the project is completed. No quarries and borrow pits shall be approved within one thousand (1,000') feet of any subdivision.
2. **Sanitary Landfill:** When in accordance with the Cedar Lake Landfill Ordinance, sanitary landfills may be permitted in this Zoning District, The Plan Commission and/or the Town Council may require, as special conditions to any change of zone to this classification any of the requirements or conditions that are contained in the Landfill Ordinance adopted, and as amended, which is incorporated herein by this reference, and all sanitary landfills shall in all respects comply therewith.
3. **Private Airfield:** Private Airfields utilizing turf or gravel runways.
4. **Go-Kart Track:** upon recommendation of the Cedar Lake Plan Commission, after a public hearing and by a majority vote, the this use may be included in the Conditional Development District B Zoning District provided the use will not be injurious to adjacent property owners or to the general public health and welfare.
5. Any use not specifically authorized in any other Zoning District may be permitted in a Conditional Development District B Zoning District, provided the use will not be injurious to adjacent property owners of to the general public health and welfare.

Section D General Requirements:

Any building or use in a Conditional Development Type B Zoning District must comply with the height, bulk and front side and rear yard regulations for the underlying zoning District in which said building or use is located, in addition to the regulations set out in this Subsection 7.5.

Section E Special Conditions:

In approving any Conditional Development Type B Zoning District, the Plan Commission and/or the Town Council may require any special conditions or provisions necessary for the protection of adjacent property owners or other residents in the Town of Cedar Lake or any such special conditions or provisions reasonably required to protect the general public health and welfare, including but not limited to compliance with any all laws or Ordinances affecting the intended use or performance bonds to indemnify against loss or injury to residents.

Section F Zoned for Specific Use Only:

Any amendment to the Cedar Lake Zoning Ordinance reclassifying property to a Conditional Development Type B Zoning District shall specify that said amendment is granted only for the purpose of permitting a specific use. No other use available under this Zoning District shall be lawful unless subsequent approval is given by the Cedar Lake Plan Commission and the Town Council of the Town of Cedar Lake.

7.7 Legacy Lot Overlay Districts:

Section A Purpose:

The Legacy Lot District is created to address lots that predate the town's incorporation and thereby predate any zoning regulations that the Town has developed and created since its incorporation, and that may or may not include lots of record, with regulations that go beyond the manner in which lots are treated in the Non-Conforming Chapter of this Zoning Ordinance.

Section B Residential Legacy Lots

1. Occupied Legacy Residential Lot of Record, lots of less than 5,000 SF, development standards:
 - a. Minimum lot size 2,400 SF;
 - b. Minimum lot width 30';
 - c. Minimum front yard setback 10';
 - d. Minimum rear yard setback 10';
 - e. Minimum interior side yard setback 5';
 - f. Minimum corner lot side yard setback 10';
 - g. Maximum lot coverage with buildings 50%;
 - h. Maximum building height 25';
 - i. Minimum livable building size exclusive of garages, decks, porches or basements: 1,000' SF single story; 1,200 SF for 1.5 story; and 1,600 SF for a 2 story;
 - j. Garages are required and must be at least two hundred sixty-four (264) square feet in size. If the garage is detached, then maximum height is 15';
 - k. A minimum of two (2) off street parking spaces must be provided; and
 - l. Use the above listed bulk standards as minimums but allow improvements to be made to a structure as long as non-compliance is not increased. In other words, if an existing structure extends over the front building line as identified above and the owner wants to expand the home toward the side lot line, that expansion would be allowed as long as it meets the rear yard setback, side yard setback, lot coverage and other bulk standards regulations. This would also allow for a structure to be demolished and rebuilt on a lot such as this (without a variance) as long as the new structure meets the bulk standards listed above and provided that a building permit for the new structure is applied for at the same time as the demolition permit is applied for.
2. Additions to buildings on lots that are not lots of record (platted lots) will be allowed without the need to convert the lot to a lot of record (platted lot) if said addition does not result in an increase to the square footage of the footprint of the existing building of more than 25% and provided that the addition complies with the bulk standards listed above. Allow accessory structures such as detached garages, shed, gazebos, fences etc. to be constructed on non-platted lots without the need to plat the lot as long as required setbacks, heights and lot coverage regulations as shown above, would remain in compliance. If a primary building on a lot that is not a lot of record is demolished with the intent to rebuild it on the lot, the lot first must become a lot of record and must meet the bulk standards in Section B.1. above.

Chapter 8 - INDUSTRIAL DISTRICT

8.1 M-1 Light Industrial Zoning District:

Section A Purpose:

The general character of this Light Industrial (M-1)-Zoning District is to consist of Industries which exists as follows:

1. Conform to high and medium performance standards by controlling objectionable influences, and particularly any industrial activities which shall include or result in the storage of toxic materials in any fashion; and
2. Restrict the impact of the use on adjacent areas by maintaining the entire industrial use and activity within completely enclosed buildings and permitting no external outside activities.

Section B Permitted Uses:

Any use permitted in the Wetlands and Watercourse District.

1. All uses within this Light Industrial (M-1) Zoning District shall be permitted only upon approved and authorization with a Variance of Use by the Town Board of Zoning Appeals and Town Council of the Town of Cedar Lake.
2. The following uses may be permitted, provided they are approved by the Board of Zoning Appeals and are subject to any conditions placed upon them by the Board of Zoning Appeals, namely:
 - a. The manufacture, compounding, processing, packaging or treatment of food products exception fish and meat products, sauerkraut, yeast and the rendering or refining of fats and oils;
 - b. The manufacture of pottery and figurines or any other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas;
 - c. Automobile upholstery, rebuilding, reconditioning, truck repair or overhauling, tire retreading or recapping and battery manufacturing;
 - d. Underground storage of fuel oil, liquefied petroleum gas and gasoline in amounts not to exceed 120,000 gallons in capacity;
 - e. Manufacturing of Office or Store Machines, Equipment or Supplies and the like; and
 - f. Any uses of similar nature and character to the uses described herein.
3. Lighting Regulations as set forth in CHAPTER 14.
4. Signs Regulations as set forth in CHAPTER 16.
5. All uses shall meet the Performance Standards set forth in 8.2 of this CHAPTER.

Section C Bulk Requirements:

1. **Height:** The maximum height of buildings and other structures erected or enlarged in this Zoning District shall be thirty feet (30'). No building or structure shall be erected or enlarged in this Zoning District to exceed the height requirements of an adjacent Residential Zoning District when such building or structure is within one hundred fifty feet (150') of said adjacent Residential District
2. **Minimum Lot Area and Width:** A lot area of not less than *forty_thousand* (40,000') square feet, and a lot width of not less than one hundred twenty-five feet (125') at the building line shall be provided for every building or other structure erected or used for any use permitted in this Zoning District.
3. **Front Yard:** Each lot shall front on a dedicated and improved street. Each front yard in this Zoning District shall extend across the full width of the zoning lot and lying between the lot line which fronts on a street and the nearest line of the principal building on which the main entrance to said building exists. There shall be a minimum front yard between the building line and the highway and street right-of-way lines as follows:
 - a. On existing four (4) lane Federal or State highways, a distance of sixty feet (60');
 - b. On existing two (2) lane Federal or State highways, a distance of seventy-five feet (75');
 - c. On all streets designated as a part of the Federal Aid Urban System, as delineated by the State Highway Commission, a distance of fifty feet (50'); and
 - d. On all other streets, a distance of thirty feet (30').
4. **Side Yard:** Each lot, except as otherwise specified, shall have two (2) side yards, totaling forty (40') feet in width; neither side yard shall have a width of less than fifteen feet (15'), except as hereinafter provided in Subsection 9 of this Section D.
5. **Rear Yard:**
 - a. There shall be a rear yard on each lot, the distance shall be not less than thirty (30') feet from the rear lot line.
6. **Lot Coverage:** Not more than fifty percent (50%) of the area of a lot may be covered by buildings and structures.
7. **Corner Lots:** On each corner lot, there shall be two (2) side yards, the side yard abutting the street having a width of not less than forty feet (40'), and the side yard not abutting the street having a width of not less than fifteen feet (15'), except as hereinafter provided in Subsection 9 of this Section C.
8. **Lots Abutting Business or Residential Districts:** Unless approved and authorized as a variance, no building or structure shall be erected closer than two hundred feet (200') to any Neighborhood Business (B-1) and Community Business (B-2) Zoning Districts, or any Residential Zoning District, nor shall any parking area be closer than seventy-five feet (75') to any Neighborhood Business (B-

1) and Community Business (B-2) Zoning Districts, or any Residential Zoning District. There shall be a greenbelt and/or green strip entirely covered by grass, shrubs and/or trees, as required.

9. **Building Offset:** Unless approved and authorized as a variance, no building or structure shall be erected closer than fifty feet (50') to any General Business (B-3) Zoning District, nor shall any parking area be closer than fifty feet (50') to any General Business (B-3) Zoning District. There shall be a greenbelt and/or green strip entirely covered by grass, shrubs and/or trees, as required.

Section D Landscaping and Screening:

All landscaping shall be in accordance with the provisions set forth in [CHAPTER 13](#) of this Zoning Ordinance, as amended from time to time.

Section E Open Storage:

No open storage shall be permitted for any uses within this Zoning District, unless approved and authorized as a variance. Any open storage approved and authorized for uses within this Zoning District by variance, shall be entirely screened and enclosed within a fence at least eight (8) feet high. The material and construction of this fence shall be approved by the Plan Commission and/or Board of Zoning Appeals in its process of review approval of a variance for the use by the Petitioners.

Section F Lighting:

Lighting requirements shall be in accordance with the provisions set forth in [CHAPTER 14](#) of this Zoning Ordinance, as amended from time to time.

Section G Signs:

Sign requirements shall be in accordance with the provisions set forth in [CHAPTER 16](#) of this Zoning Ordinance, as amended from time to time.

Section H Parking and Loading:

Parking and loading requirements shall be in accordance with the provisions set forth in [CHAPTER 12](#) of this Zoning Ordinance, as amended from time to time.

8.2 Performance Standards:

Section A General:

Any use established in the Light Industrial (M-1) after the effective date of this Zoning Ordinance shall be so operated as to comply with the performance standards governing: (1) noise; (2) vibration; (3) smoke and particulate matter; (4) toxic matter; (5) noxious and odorous matter; (6) fire and explosive hazards; and (7) glare and heat, all as set forth hereinafter for the Zoning District in which such use shall be located.

No use already established shall conflict with, or further conflict with, the applicable performance standards established hereinafter for the Zoning District in which such use is located.

Section B Noise:

1. Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. The flat network and the slow meter response shall be used. Sounds of short duration, such as from forge hammers, punch presses, and the like, which cannot be measured accurately with the sound level meter, shall be measured with the impact noise analyzer, as manufactured by the General Radio Company or its equivalent, in order to determine the peak value of the impact. For sounds so measured, the peak values shall not exceed by six (6) decibels, the values given in Subparagraph 2 below.
2. At no point on the boundary of a Residential, Business or Light Industrial (M-1) Zoning District shall the sound pressure level of any operation or plant (other than background noises not directly under the control of the manufacturer) exceed the decibel limits in the octave bands designated below.

Maximum Frequency/Decibel Limits for M-1 District

Octave Band Frequency (Cycles Per Second)	Residential Zoning District Boundaries	Business Zoning District Boundaries
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1,200	46	53
1,200 to 2,400	40	47
2,400 to 4,800	34	41
Over 4,800	32	39

Section C Vibrations:

No industrial operation or activity (except those not under the direct control of the manufacturer) shall cause at any time ground transmitted vibrations in excess of the limits set forth below. Vibrations shall be measured at any point along a Residential Zoning District boundary line with a three-component measuring instrument approved by national recognized standards, and shall be expressed as displacement in inches.

Maximum Permitted Displacement M-1 District

Frequency (Cycles Per Second)	Along Residence District Boundaries	Along Residence District Boundaries
0 to 10	.0004	.0008
10 to 20	.0002	.0005
20 to 30	.0001	.0002
30 to 40	.0001	.0002
40 and over	.0001	.0001

Section D Smoke and Particulate Matter:

1. Any use already established on the effective date of this Zoning Ordinance shall be permitted to be altered, enlarged, expanded, or modifies, provided that new sources of smoke and/or particulate matter conform to the performance standards established hereinafter for the Zoning District in which such use is located. The total emission weight of particulate matter from all sources within the boundaries of the lot shall not exceed the net amount permitted in the Zoning District in which the use is located after such alteration, enlargement, expansion, or modification.
2. For the purpose of grading the density of smoke, the Ringelmann Chart, published and used by the United States Bureau of Mines, shall be employed. The emission of smoke or particulate matter of a density greater than No. 2 on the Ringelmann Chart is prohibited at all times, except as otherwise provided hereinafter.
3. The emission, from all sources within any lot area, of particulate matter containing more than five (5%) percent by weight of particles having a particle diameter larger than forty-four (44) microns is prohibited.
4. Dust and other types of air pollution, borne by the wind from such sources as storage areas, yards, roads, and so forth, within lot boundaries shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means. Emission of particulate matter from such sources in excess of the weight limitations specified hereinafter for the Zoning District in which such use shall be located is prohibited.

The Ringelmann Chart is hereby adopted by reference and three (3) copies of said Chart are on file in the Office of the Town Planning and Building Department.

5. In the Light Industrial (M-1) Zoning District, the following additional regulations shall apply:
 - a. The emission of more than twelve (12) smoke units per stack in any thirty (30) minutes period is prohibited, including smoke in excess of Ringelmann No. 2. However, once during any three (3) hour period, each stack shall be permitted up to twenty (20) smoke units (not to exceed Ringelmann No. 3) in thirty (30) minutes for soot blowing and fire cleaning.
 - b. The rate of particulate matter emission from all sources within the boundaries of any lot shall not exceed a net figure of one (1) point per acre of lot area during any one (1) hour period, after deducting from the gross hourly emission per acre the correction factor set forth in the following table:

*Allowance for Height of Emission**

Height of Emission Above Grade (Feet)	Correction (Pounds per Hour per Acre)
50	0.01
100	0.06
150	0.10
200	0.16
300	0.30
400	0.50

*Interpolate for intermediate values not shown in table.

- c. Determination of the total net rate of emission of particulate matter within the lot boundaries of any lot shall be made as follows:
- Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area, thereby obtaining the gross hourly rate of emission in pounds per acre.
 - From each gross hourly rate of emission derived in the above item, deduct the correction factor (Interpolating as required) for height of emission set forth in the table –thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission.
 - Add together the individual net rate of emission derived in the above item, to obtain the total net rate of emission from all sources of emission within the boundaries of the lot; such total shall not exceed four (4) pounds per acre of lot area during any one (1) hour.

Section E Toxic Matter:

No activity or operation shall cause, at any time, the discharge of toxic or noxious matter as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business.

Section F Noxious and Odorous Matter:

No activity or operation shall cause at any time the discharge of matter across lot lines as to be noxious. The emission of odorous matter in such quantities as to be readily detectable as an odor at any point along a Zoning District boundary line when diluted in ratio of one (1) volume of odorous air to four (4) volumes of clean air is prohibited.

Section G Fire and Explosive Hazards:

- Activities involving the manufacture of materials or products which decompose by detonation are permitted only when specifically permitted by the Board of Zoning Appeals.

2. The manufacture, utilization, or storage of pyrophoric and explosive dusts shall be in accordance with the safety codes of the National Fire Protection Association. Such dusts include, but are not limited to: aluminum, bronze, or magnesium powder; powdered coal; powdered plastics; flour and feed; spices; starches; sugar; cocoa; sulphur; grain (storage); and wood flour.
3. In the Light Industrial (M-1) Zoning District, the storage, utilization, or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.
4. The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, provided that said materials shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior walls, and protected throughout by an automatic fire extinguishing system; or said materials may be stored outdoor in conformance with the regulations of the Town Fire Code and the rules and regulations of the State of Indiana, Department of Fire Prevention.

Total Capacity of Flammable Materials* Permitted in Gallons

Industries Engaged in Storage and Distribution	Above Ground	Under Ground
Materials having a closed cup -Flash point over 187° F	100,000	400,000
From and including 105° F to and including 187° F	40,000	200,000
Materials having a closed cup Flash point of less than 105° F	10,000	100,000

*When flammable gases are stored, utilized and measured in cubic feet, the quantity in cubic feet at Standard Temperature and Pressure (STP) permitted shall not exceed 300 times the quantities as listed on the above table.

Section H Glare and Heat:

Any operation producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a public nuisance or hazard along lot lines. Exposed sources of light from operations producing intense glare or heat shall be shielded so as not to create a nuisance across lot lines.

Chapter 9 – PLANNED UNIT DEVELOPMENT (PUD)

Section A Statement of Purpose; Change in Zoning District; Development Plan:

1. Planned Unit Development (P.U.D.) Zoning Districts are intended to permit establishment of areas in which diverse uses may be brought together as a compatible and unified plan of development which shall be in the interests of the general welfare of the public. In Planned Unit Development (P.U.D.) Zoning Districts, land and structures may be used for any lawful purpose in accordance with the provisions set out in this Chapter.
2. The procedure for obtaining a change in a Zoning District classification or undertaking development within a Planned Unit Development (P.U.D.) Zoning District shall be as follows:
 - a. The owner and developer of the land shall apply in writing to the Plan Commission and shall submit two (2) copies of a Preliminary Development Plan as described in SECTION B of this Chapter.
 - b. The Plan Commission shall receive and review the proposed application and review the Preliminary Development Plan with the Owner and Developer/Petitioner. The Plan Commission shall prepare recommendations with regard to the Preliminary Development Plan and, if applicable, the proposed change in the Zoning District.
 - c. The Plan Commission shall provide its recommendations to the owner and developer indicating its position on the proposal. The Plan Commission shall state provide its comments to the Owner and Developer/Petitioner..
 - d. After issuance of the Plan Commission's response, public notice shall be given as required by the Indiana Code, as amended from time to time, and this Zoning Ordinance, as amended from time to time, and a public hearing shall be scheduled and held on the proposed change of Zoning District and/or Development Plan, as provided by law in the case of an amendment to this Zoning Ordinance.
 - e. After the public hearing, this Zoning Ordinance may be amended so as to define the boundaries of the Planned Unit Development (P.U.D.) Zoning District, but such action shall have the effect only of granting permission for the development of the specific proposal in accordance with the development plan submitted. The recommendation of the Plan Commission shall be made to the Town Council, which shall consider such request for change of Zoning District as in ordinary cases of rezoning or zone map change.

Section B Preliminary Development Plan:

The Owner and Developer shall submit a preliminary development plan to the Plan Commission for review, which plan shall include, but not necessarily be limited to, the following information:

1. Proposed site plan, showing building locations and land use areas;
2. Proposed traffic circulation, parking areas, pedestrian walks and landscaping;

3. Proposed construction sequence for public improvements, buildings, street lighting, parking spaces and landscaped areas.

Section C Development Plan:

1. The Owner and Developer shall submit a Development Plan to the Plan Commission for review, together with the application for a change of Zoning District Classification, if applicable. The Development Plan shall be prepared by an architect, landscape architect, engineer, land surveyor or planning consultant or combination thereto, and shall include the following information:
 - a. A survey of the property, showing existing features of the property, including contours, building structures, trees over four (4") inches in trunk diameter, streets, utility easements, rights-of-way and land use;
 - b. Site Plan showing proposed building locations and land use areas;
 - c. Traffic circulation, parking areas and pedestrian walks;
 - d. Landscaping plans, including site grading and landscape designs;
 - e. Preliminary drawings for building to be constructed in the current phase, including floor plans, exterior elevations and sections;
 - f. Preliminary engineering plans, including street improvements, lighting, drainage system and public utility extensions;
 - g. Engineering feasibility studies of any anticipated problems which might arise due to the proposed development, as required by the Commission;
 - h. Construction sequence and time schedule for completion of each phase for buildings, parking spaces landscaped areas, public improvements, and maintenance schedules for all common areas, open spaces, and drainage systems;
 - i. All other information and documentation requested by the Plan Commission
2. The Development Plan shall be in general conformance with the approved Preliminary Development Plan. Approval from the Plan Commission shall be secured by the Owner and Developer for each phase of the development. Such approval for each phase shall be valid for a period of eighteen (18) months, at which time, unless the proposed development for that phase has received a building permit, and constructions has begun, or the approval extended, the Development Plan approval shall expire. In no event shall approval be extended for a period of time greater than six (6) months. Approval shall be granted at a regularly held public meeting of the Plan Commission, and only one (1) extension may be approved for good cause shown by the Owner and Developer.
3. Prior to approval of any Development Plan, the Plan Commission may recommend, and the Town Council may stipulate such conditions and restrictions upon the establishment, location, design, layout, construction, maintenance, beautification, aesthetics, operation and other elements of the Planned Unit Development, as deemed necessary for the protection of the public interest, including, but not limited to, bonding requirements, improvement of the development, protection of adjacent areas in order to secure compliance with the standards specified above. In all cases in which Development Plans are approved, the Town Council shall require such evidence and guarantees, including, but not limited to, bonding requirements, as it may deem necessary as proof that the

conditions stipulated in connection therewith are being, and will be compiled with for the improvement of the development, protection of adjacent areas, and to secure compliance with the standards specified.

Section D Findings Required:

The Plan Commission, after determining that all of the requirements of the Zoning Ordinance, as amended from time to time, dealing with Planned Unit Development (P.U.D.) Zoning Districts have been met, shall recommend approval, approval with modifications, or disapproval of the Development Plan. The Plan Commission shall enter its reasons for such action in its records. The Plan Commission may recommend the establishment of a Planned Unit Development (P.U.D.) Zoning District, provided that it finds that the facts submitted with the Development Plan establish that:

1. The uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under any other Zoning District;
2. Any amendment to the requirements of this Zoning District is warranted by the design and amenities incorporated in the Development Plan;
3. Land surrounding the proposed development either can be planned in coordination with the proposed development, or will be compatible in use;
4. The proposed change to a Planned Unit Development (P.U.D.) Zoning District is in conformance with the general intent of the Comprehensive Master Plan;
5. Existing and proposed streets are suitable and adequate to carry anticipated traffic within the proposed Zoning District, and within the vicinity of the proposed Zoning District;
6. Existing and proposed utility services are adequate for the proposed development;
7. Each phase of the proposed development, as it is proposed to be completed, contains the required parking spaces, landscaping, and utility areas necessary for creating and sustaining a desirable and stable environment; and

Section E General Standards:

1. The purposes of Planned Unit Development Standards are to provide for the rezoning of land to commercial and business development Zoning Districts in conformance with the provisions and standards which ensure compatibility among all the land uses, foster innovation, site planning and development, and encourage sound development in the interests of safety and the general welfare of the public.
2. The standards for Planned Unit Development (P.U.D.) Zoning Districts are to provide the Plan Commission with a means to evaluate applications for such Zoning Districts consistent with the

provisions and general intent of this Chapter, the provisions of this Zoning Ordinance, as amended from time to time, and the Comprehensive Master Plan of the Town.

3. The standards contained in this Zoning Ordinance, as amended from time to time, for Planned Unit Development (P.U.D.) Zoning Districts are intended to strengthen public control over development, while providing the necessary latitude for the owner and developer to make creative and efficient use of their property.

Section F Off-Street Parking:

Off-street parking and loading facilities for Planned Unit Development (P.U.D.) Zoning Districts shall comply with the provisions set forth in CHAPTER 11 of this Zoning Ordinance, and with all other applicable Ordinances of the Town, as amended from time to time hereafter, including all Ordinances relating to Subdivision Control preliminary to development and use of land.

Section G Private Streets:

1. Private street right-of-way and pavements in a Planned Unit Development (P.U.D.) Zoning District shall be constructed in conformance with the minimum street specifications prescribed by the Subdivision Control Ordinance, as amended from time to time, except as otherwise recommended by the Plan Commission as part of a final plan and plat.
2. At or near the entrance of each private street on a dedicated public street, the applicant or the private organization shall maintain a signpost carrying a sign, having an area of at least fifteen (15) inches by twenty-one (21) inches, on which is printed and clearly legible in at least two (2) inch letters, the name of the private street and the words "PRIVATE STREET" and, in at least one (1) inch letters, the words "NOT DEDICATED FOR PUBLIC USE OR MAINTAINED BY THE PUBLIC". The material on the sign shall be arranged substantially as follows:

(NAME OF STREET)
PRIVATE STREET
NOT DEDICATED FOR PUBLIC USE OR MAINTAINED BY THE PUBLIC

3. Private streets shall be maintained by the owners so that fire, police, health, school, and public utility vehicles have adequate access. Adequate access includes an adequate turning area.

Section H Public Streets:

Where public streets are required by the Plan Commission, as deemed necessary, they shall be dedicated and constructed in conformance with the minimum street specifications prescribed by the Subdivision Control Ordinance, as amended from time to time.

Section I Contract Required:

When a Planned Unit Development (P.U.D.) Zoning District is recommended by the Plan Commission, the Owner and Developer shall enter into a Contract with the Town to guarantee the implementation of the development, according to the terms of the conditions established as part of the Development Plan. Any subsequent change or addition to an approved plan shall be submitted for approval to the Plan Commission, and if in the Plan Commission's opinion, such change or addition is not substantial, it may not approve the change. If such change or addition is construed to be substantial, a public hearing shall be held prior to such approval. Failure to comply with the conditions and regulations as herein established and as specifically made applicable to a development shall be cause for termination of the approval for said project. At least ten (10) days' notice shall be given to the Owner and Developer to appear before the Plan Commission and answer any such charge of non-compliance. In the event the Plan Commission finds the charges substantiated, they may recommend such termination of the project approval if the situations is not satisfactorily adjusted within a specified time period, as determined by the Plan Commission.

Section J Compliance With Other Ordinances:

Nothing contained in this CHAPTER is intended to relieve any Owner, Developer or User of land from compliance with all other Ordinances of the Town of Cedar Lake, as amended from time to time hereafter, including all Ordinances relating to Subdivision Control preliminary to development and use of land.

Chapter 10 – DEVELOPMENT STANDARDS

10.1 Modification of Bulk Requirements:

Section A Height:

1. **General Height Provision:** Except as herein provided, no building or structure shall be erected on a lot unless such building, combined existing structure plus additions conforms with the height regulations of the Zoning District in which it is located.
2. **Exceptions:** Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, television aerials, steeples, flagpoles, chimneys, smokestacks, wireless masts, water tanks, grain elevators, silos, gas containers, material hoppers or similar structures may be erected above the height limits herein prescribed; but no penthouse or roof structure or any space above the height limit shall be allowed for the purpose of providing additional floor spaces for residential, business or industrial use.

Section B Area Requirements:

Except as hereinafter provided, no building or structure shall be erected on a lot unless such building, combined existing structure plus additions conforms with the area regulations of the Zoning District in which it is located.

1. **Reduction of Lot Area:** No lot area shall be so reduced or diminished in such a way so that the yards, other open space or total lot area shall be smaller than prescribed by this Zoning Ordinance, as amended from time to time, nor shall the density of population be increased in any manner except in conformity with the regulations herein established;
2. **Recorded Vacant Lots less than Minimum Area:** Improved Lots of record at the time of the enactment of this Zoning Ordinance, as amended from time to time, which have less than the minimum area requirements for Residential Zoning Districts, may nevertheless be used for any use permitted therein, except that for dwellings the lot must have a width of at least fifty (50) feet and an area of at least five thousand (5,000) square feet. The Legacy Lot Regulations of this Zoning Ordinance, as amended from time to time, shall be utilized for recorded occupied lots, and use proposals, where applicable.;
3. **Minimum Lot-Sizes and Widths with Respect to Sewage Disposal:** The following regulations shall apply, notwithstanding the district area and width regulations of this Zoning Ordinance:
 - a. In all sections of the Town which are not served with sanitary sewers, lots shall have a minimum area of forty-three thousand five hundred sixty (43,560) square feet, and a minimum width at the building line of one hundred (100) feet.
 - b. Smaller lot sizes and widths than specified in Paragraph (1) hereinabove, but not less than prescribed in the Zoning District regulations, may be permitted, when approved and

authorized as a variance by the Board of Zoning Appeals. Evidence shall be required that smaller lot area or width will provide safe and effective sanitary sewage disposal and may include, but not be limited to, a specific recommendation from the official representative of the Lake County Board of Health having jurisdiction.

- c. Evidence shall be required on all lots that sufficient area and width exists to provide safe and effective sanitary sewage disposal, and may include, but not be limited to specific recommendation from the official representative of the Lake County Board of Health having jurisdiction.

Section C Yard Requirements:

No required yard or other open space around an existing building, or yards which are hereafter provided around any building, or yards which are hereafter provided around any building for the purpose of complying with the provisions of this Zoning Ordinance, as amended from time to time, shall be considered as providing a yard or open space for any other building, nor shall any yard nor other required open space on an adjoining lot be considered as providing a yard or open space on a lot where on a building is to be erected.

1. **Front Yard-Between Projecting Buildings:** Where a lot is situated between two (2) lots, each of which has a main building which projects beyond the established front yard line and was so maintained when this Zoning Ordinance became effective, the front yard requirements on such lot may be the average of the front yards of said existing buildings, provided, however, the front yard of such lot shall not be less than ten (10') feet.
2. **Front Yard-Adjoining Projecting Building:** Where a lot adjoins only one (1) lot having a main building which projects beyond the established front yard line and has been so maintained since this Zoning Ordinance became effective, the front yard requirement on such lot may be the average of the front yard of the existing building and the established front yard of the existing building and the established front yard line provided, however, the front yard of such lot shall not be less than ten (10') feet.
3. **Front Yard-Sloping Lot:** Where the elevation of the ground at a point fifty (50) feet from the front line of the lot and midway between the side lines differs ten (10) feet or more from the curb level, or where the slope (measured in the general direction of the side lot lines) is twenty (20) percent more on at least fifty (50%) percent of that required in the zone, provided the required front yard of such lot shall be not less than ten (10') feet, a private garage not exceeding one (1) story nor fourteen (14') feet in height, be located in such front yard provided every portion of the garage building is at least ten (10') feet from the front lot line, does not occupy more than fifty (50%) percent of the width of the front yard and does not encroach upon the side yards.
4. **Front Yards on a Through Lot:** There shall be one (1) address assigned to a through lot and such address shall be used to establish the front yard of said lot. All other yards (side and rear) shall be determined by the address of the through lot.

5. **Waiver of Side Yards:** For the purpose of side yard regulations, the following dwellings with common party walls shall be considered as one (1) building occupying one (1) lot: semi-detached dwellings, row dwellings and group dwellings.
6. **Waiver of Front and Side Yards:** The front yard and side yard may be waived for dwellings located above the ground floor area of commercial structures, where such uses are allowed.
7. **Projections Permitted into Required Yards:** Other than as provided herein, no building or no part of a building, including, but not limited to, patios, decks and the like, shall be erected within or shall project into any required yard in any Zoning District.
 - a. **Carport:** An attached carport may be permitted over a driveway in a side yard, provided such structure is not more than one (1) story in height and twenty-five (25') feet in length and is entirely open on at least three (3) sides, except for the necessary supporting columns and customary architectural features; however, said carport may not extend to within six (6) feet of a side lot line.
 - b. **Cornice, Sill or Chimney:** A cornice, eave bolt course, sill, canopy or other similar architectural feature (not including bay window or other vertical projection) may extend or project into a required front, side or rear yard not more than one (1') foot.
 - c. **Decks:** Decks are not considered part of the principal structure and may be located in the rear yard eight (8') feet from side and rear yard. Decks in the front yard must meet the front yard setback that is located in that Zoning District. Railing cannot exceed six (6') feet in height.
 - d. **Fire Escape:** A fire escape may extend or project into any front, side or rear yard not more than four (4) feet. In no circumstances shall the fire escape extend any closer than within four feet (4) of the side yard lot line.
 - e. **Open Stairway or Balcony:** An open, unenclosed stairway or balcony, not covered by a roof or canopy, may extend or project into a required area or side yard not more than four (4') feet, and such balcony may extend into a required front yard not more than three (3') feet. In no circumstances shall the open stairway or balcony extend any closer than within four feet (4') of the side yard lot line.
 - f. **Open Porch:** An open, unenclosed porch or stoop not covered by a roof or canopy, which does not extend above the level of the first floor of the building, may extend or project into any required side, rear or front yard not more than four (4') feet. In no circumstances shall the open porch or stoop extend any closer than within four feet (4') of the side yard lot line.
 - g. **Wing Walls:** Wing walls, when used in conjunction with a residential structure as attached thereto may be permitted in a side yard to the side property line provided, that said wing wall does not exceed six (6') feet in height. A wing wall shall be part of the continuous footing and foundation of the structure. In no event shall the wing wall extend any closer than within four (4') feet of the side lot line.
8. **Visibility at Intersections in Residential Districts:** On a corner lot in any Zoning District, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 ½') and ten (10') feet above the centerline grades

of the intersection streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50') feet from the point of the intersection.

9. **Fence, Walls, and Hedges:** Unless otherwise provided by this Zoning Ordinance, as amended from time to time, fences, walls and hedges may be permitted in any required side or rear yards or along the edge of any required side or rear yards. In the cases of a front yard, a fence or wall may not be permitted to extend into the aforesaid required front yard. A hedge or thick growth of shrubs may be permitted in any required front yard at the height not to exceed three (3') feet, except for corner setbacks as provided in and set forth in paragraph 7 above.
10. **Parkway (Sidewalk) Trees:** The planting of trees shall be permitted at the edge of sidewalks or between the curb and the sidewalks, but there shall be no encroachment or overhanging of the sidewalk and it shall be kept free and clear to provide for pedestrian access. Any overhanging of a sidewalk by a tree or tree limbs shall be at a height no less than seven (7') feet.

Section D Buildings:

1. **Principal Structure/Use Limitations:** There shall not be more than one (1) principal structure permitted on a single lot in any Zoning District.
2. **Structures to have Access:** Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be as located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
3. **Accessory Building Constructed First:** Unless a Variance of Use has been approved and authorized a use of building which is considered to be an accessory building shall not be established prior to establishment of the corresponding main or principal use or building.

10.2 Environmental Concerns:

Section A Stormwater Drainage:

Stormwater collection, routing and discharge shall conform to the provisions of the “Stormwater Management Ordinance” adopted by the Town Council as Ordinance No. 1218 on April 21, 2015, as amended from time to time, for every development and building constructed in any Zoning District in the Town.

Section B Erosion and Sediment Control:

A Rule 5 or MS4 Permit shall be obtained and pre-construction and post-construction plans shall be implemented in accordance with provisions of the “Stormwater Management Ordinance” adopted by the Town Council as Ordinance No. 1218 on April 21, 2015, as amended from time to time, for every development and building constructed in any Zoning District in the Town.

1. The project owner shall file a Notice of Intent with IDEM as required by 327 IAC 15-5 (Rule 5), before construction begins.
2. The project owner shall file a Notice of Termination with IDEM, as required by 327 IAC 15-5 (Rule 5) when construction is completed and best management controls are in operation.

Section C Flood Control:

Every development and building constructed in any Zoning District shall conform to the provisions of the “Floodplain Management Regulations” in Corrected Ordinance No. 1235A, adopted by the Town Council of the Town on March 15, 2016, as amended from time to time.

Section D Garbage, Refuse and Recycling:

1. Every residential unit owner or tenant shall arrange with the Town for collection of garbage and recyclables. The owner or tenant shall contain all refuse in proper containers with secure lids and maintain such containers on its property.
2. Every non-residential development or multi-family building shall contain all refuse in proper containers with secure lids and maintain such containers on its property and arrange for collection and disposal with a private hauler.
3. Refuse containers for non-residential developments and multi-family buildings shall be stored within corrals or structures designed to screen refuse and containers from public view.

Section E Hazardous Waste Storage and Disposal:

The storage, dumping and/or disposal of toxic or other hazardous substances shall not be permitted in any Zoning District in the Town.

10.3 Construction Standards:

Section A Subdivision Ordinance:

Site improvements, grading and utility services shall be designed and constructed in accordance with the Town Subdivision Control Ordinance, as amended from time to time, for every development and building in any Zoning District in the Town.

Section B Development Standards:

Every development and building constructed in any Zoning District shall conform to the provisions of the then current “Development Standards Manual”, as amended from time to time.

Chapter 11 – SUPPLEMENTARY ZONING REGULATIONS

Section A Accessory Buildings:

1. **General Accessory Regulations:** Accessory building located in any Residential Zoning District, or in other Zoning Districts if intended for residential purposes, shall be regulated as follows:

- a. There must be a complete residential structure on any given parcel of land prior to construction of any accessory building and the area of the accessory buildings(s) (measured by the exterior dimensions) added to that of all other building on said parcel may not exceed the maximum lot coverage allowed for that Zoning District.
- b. Accessory Buildings shall be permitted per building lot upon issuance of a duly authorized building permit by the designated Town Building Official. Grade level is determinate as six (6”) inches below the floor surface. Exterior wall height shall not exceed ten (10’) feet from the finish floor surface. Attached garages shall be excluded when calculating the Maximum Accessory Buildings Square Feet. Accessory Buildings shall only be allowed according to the following schedule:

LOT SIZE	MAXIMUM ACCESSORY SIZE	HEIGHT
Less than 10,000 SF	600 square feet	14’
10,000-15,000 SF	800 square feet	14’
15,001-1.00 acre (43,560 SF)	1,000 square feet	14’
1.01-2.00 acres	1,600 square feet	15’
2.01 acres or greater	2,000 square feet	16’

- c. Notwithstanding the above schedule, detached garages may have a maximum height greater than the allowable height stated herein as long as the roof pitch matches the primary residential structure roof pitch and as long as the detached garage has exterior construction similar to the primary residential structure. Cupolas shall be allowed up to a maximum height of three (3’) feet, which shall not be counted toward the maximum height of the accessory building. Further, semi-trailers, truck boxes, pickup tops, and campers are prohibited from being used an Accessory Building in all zoning districts. Additionally, no accessory structure shall be used for residential living facilities.
 - d. Only two (2) accessory buildings, excluding attached garages, shall be allowed per building lot.
 - e. No accessory buildings shall be allowed in the front yard of any residential lot.
 - f. There shall be a minimum six (6’) foot setback from any and all side and rear property lines and a minimum ten (10’) foot separation or distance from all other buildings. Where an accessory building has eaves, the outer edge of the gutter for sheds and accessory buildings shall be no less than five feet (5’) measured horizontally from the property line.
2. **Metal and Post Buildings:** Metal and post building types of construction shall not be permitted in this Residential Zoning District as a Primary or Accessory use. Any accessory building greater than

one thousand one (1,001') square feet in size shall be exempt from this provision providing it conforms with all other provisions required in CHAPTER 10, Section A.

3. **Accessory Buildings in Business or Industrial Zoning Districts** shall be allowed for business or industrial purposes, provided that they conform to all height, setback, yard and lot coverage requirements of the Zoning District in which they are located.
 - a. There are no specific limits concerning the area or number of such structures in this Zoning Ordinance, as amended from time to time.
 - b. Accessory buildings located in B-2, B-3 and Industrial Zoning shall have a height not to exceed eighteen feet (18') at the peak with a maximum side wall of twelve feet (12').
4. **Prohibition:** Use of semi-trailers, truck boxes, pickup tops and campers are prohibited as accessory structures in all Zoning Districts, as well as any other apparatus intended for use as accessory structures.

Section B Swimming Pools:

1. **Compliance Required:** It shall be unlawful to construct, maintain, install or enlarge any swimming pool in the Town of Cedar Lake except in compliance with all the provisions of this CHAPTER.
2. **Swimming Pool Defined:**
 - a. The term "swimming pool" is hereby defined as an outdoor structure designed as a receptacle for water, or an artificial pool of water having a depth at any point of more than two (2') feet, intended for the purpose of immersion or partial immersion therein of human beings, and including all appurtenant equipment, whether such structure is built "in-ground", "above-ground", or combination thereof.
 - b. Swimming pools of a smaller size shall be deemed to be "wading pools" and are not regulated under this Section.
 - c. "Private pools are defined as those restricted to occupants of the principal use of the property and guests for whom no admission or membership fees are charged. Only "private pools" are permitted in Residential Zoning Districts.
3. **Location:** No portion of an outdoor swimming pool shall be located at a distance of less than ten (10') feet from any side or rear property line, or building line, or at any other location where a "structure" is prohibited under the other terms of this Zoning Ordinance, as amended from time to time. Pumps, filters and pool water disinfection equipment installations shall be similarly restricted to the requirements of this paragraph. A pool may be connected to a deck.
4. **Permit Required:** It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any swimming pool and appurtenances within the Town unless a Zoning and Building Permit have first been obtained from the Town in accordance with the procedures set forth in this Zoning Ordinance, as amended from time to time.

5. **Drawing, Plans and Permits:**

- a. All drawings and plans for the construction, installation, enlargement or alteration of any swimming pool and appurtenances shall first be presented to the designated Town Building Official for examination and approval as to proper location and construction.
- b. All such drawings and plans shall accurately portray the relevant lot lines and setback distances, and include information as to the pool, walk, fence construction, water supply system, drainage, water disposal systems, and all appurtenances pertaining to the swimming pool. Detail plans and vertical elevations shall also be provided in accordance with all applicable building, plumbing and electrical codes.
- c. Once such drawings and plans are approved, the construction and location of the swimming pool and its appurtenances shall be constructed in strict conformance to such plans.

6. **Recirculation Pools:** All swimming pools shall be of the recirculation type in which circulation of the water is maintained through the swimming pool by pumps; the water drawn from the swimming pool shall be clarified and disinfected before returned to the swimming pool.

7. **Materials:** Swimming pool walls and floors shall be constructed of any impervious material which will provide a tight tank with white or light-colored finish and easily cleaned surfaces. The floor or bottom surface of the swimming pool shall have a non-slip finish as smooth as possible. The side and end walls of a swimming pool shall present a smooth finish and shall be vertical to a depth of at least six (6') feet or shall have a slope or curvature meeting one of the following conditions:

- a. The swimming pool may be vertical for thirty (30") inches from the water level, below which the wall may be curved to the bottom with a radius at any point equal to the difference between the depth at that point, and thirty (30) inches.
- b. To a depth of six (6') feet, except as in (a) above, the wall's slope shall not be less than one (1') foot horizontal in six (6') feet vertical.

8. **Structural Design:** The slope of the bottom of any part of a swimming pool in which the water is less than five (5') feet in depth shall be not more than one (1') foot in each ten (10') feet. The maximum slope where water is five (5') feet or more in depth shall not exceed one (1') foot in two (2) feet.

9. **Wall Areas:** Unobstructed walk areas of not less than thirty-six (36") inches shall be provided to extend entirely around any in-ground swimming pool. The walk area shall be constructed of impervious material, and the surfaces shall be such as to be smooth and easily cleaned and made of not-slip construction. The slope of the walks shall have a pitch of at least one-fourth (1/4") inch to the foot, designed to prevent back drainage from entering the swimming pool. On all above-ground swimming pools, no completely surrounding walk area shall be required. Where such walk area is provided, however, such area shall be at least thirty-six (36") inches wide and bordered by a fence or railing.

10. **Fences:** All outdoor swimming pools shall be completely enclosed by a fence. Such fence may either be used to enclose only the swimming pool itself, or may be a fence which provides a continuous barrier to the portion of the yard where the swimming pool is located. The structural

sides of an above-ground swimming pool may be used in satisfying a portion of the fence height requirement. In all cases, a minimum height of five (5') feet shall be met by vertical fence extensions from the side or other means. Retractable stairs which are self-latching are acceptable substitutes for closing gates. All fence openings or points of entry into the swimming pool area enclosures shall be equipped with gates. The fence and gates shall be at least five (5') feet in height above the grade level. All gates shall be equipped with self-closing and self-latching devices placed at resistant and shall be set in concrete bases, or by manufacturer's specifications.

11. **Steps or Ladders:** In every swimming pool at least one (1) or more means of egress in the form of steps or ladder shall be provided. However, if the pool is over thirty (30') feet wide two (2) ladders are required.
12. **Outlets:**
 - a. Swimming pools shall be equipped with facilities for completely emptying the swimming pool, and discharge of the swimming pool water to the storm sewer shall be at a rate not exceeding two hundred (200) gallons per minute. No direct connection shall be made to the storm sewer.
 - b. Water drained from the swimming pool shall not be discharged into the storm sewer system during period of rains or storms. At no time shall the rate of drain water discharge exceed a flow of two hundred (200) gallons per minute.
13. **Electrical Requirements:**
 - a. All electrical installations provided for, installed, and used in conjunction with private residential swimming pool shall be in conformance with NEC and/or NIPSCO Regulations, however, ground fault interrupters shall be required in all instances as stated in the Indiana Swimming Pool Code (675 IAC 20).
 - b. No current carrying electrical conductors shall cross private residential swimming pools, within fifteen (15') feet of overhead or within five (5') feet underground of such pools.
 - c. All metal fences, enclosures or railings near or adjacent to swimming pools, which might become electrically alive as a result of contact with broken overhead conductors or from any other cause shall be effectively grounded.
14. **Inspection:** The duly designated Town Building Official periodically may inspect any swimming pool to determine whether or not the provisions of the Zoning Ordinance, as amended from time to time, has been complied with and maintained.
15. **Permitted Uses:** Private swimming pools shall be permitted in all Residential Zoning Districts and in other Zoning Districts only by way of approved and authorized variance of use from the Board of Zoning Appeals and Town Council.
16. **Non-Conforming Uses:** All swimming pools not in conformance with this Zoning Ordinance, as amended from time to time, erected or maintained prior to the effective date of this Zoning Ordinance shall be deemed to be non-conforming uses.

Section C Mobile Home Park & Mobile Home Subdivision Development Regulations:

Mobile Home Parks and Subdivision shall be regulated by the rules, regulations and requirements of Town Ordinance Number 281, adopted in February, 1981, and as amended from time to time.

Section D Home Occupation:

A home occupation may include such traditional activities as the practice of a creative art, dressmaking, musical or other instruction limited to a single pupil at a time. However, it shall not be interpreted to include a real estate agency, dancing school, beauty parlor, barber shop, massage establishment, convalescent or nursing home, doctor's office, tourist home, commercial stable or kennel, restaurant tea room, or musical instruction in groups or mortuary establishment.

Section E Satellite "Dish" Antennae:

Antennae of a dish shape intended for the purpose of receiving satellite transmission of either an audio or video nature shall be considered as permitted accessory uses in residential, business and industrial properties. However, should the antennae exceed five (5') feet in diameter; a variance of use must be approved and authorized before such antennae will be allowed in either Residential or Business Zoning Districts.

Chapter 12 – PARKING AND LOADING REQUIREMENTS

Section A Scope of Regulations:

The parking and loading provisions of this Zoning Ordinance, as amended from time to time, shall apply as follows:

1. Accessory off-street parking and off-street loading facilities shall be provided, as required by the regulations of this CHAPTER, for all buildings and structures erected and all uses of land established in each Zoning District after the effective date of this Zoning Ordinance. However, where a building permit has been issued prior to the effective date of this Zoning Ordinance, and construction is begun within six (6) months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit shall be allowed.
2. When the intensity of use of any building, structure, or premises is increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement used to specify the required amount of parking or loading facilities, such additional parking and loading facilities, as required herein, shall be provided.
3. Whenever the existing use of a building or structure is changed, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date of this Zoning Ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use, as required in this Zoning Ordinance, as amended from time to time.

Section B Existing Parking Facilities:

1. Accessory off-street parking facilities in existence on the effective date of this Zoning Ordinance and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new building or use under the provisions of this Zoning Ordinance, as amended from time to time.
2. Parking spaces shall be provided and adequately maintained by each property owner in every Zoning District for the off-street storage of motor vehicles for the use of occupants, employees and patrons of each building and premise constructed, altered or enlarged after the effective date of this Zoning Ordinance. All vehicles shall be stored on the zoning lot occupied by the principal building, except that manufacturing or warehousing uses may provide parking on premises located outside the zoning lot but within two hundred (200') feet as measured from the nearest point of the parking lot of the building.

Section C Permanency of Spaces Provided:

Any parking or loading space established prior to the effective date of this Zoning Ordinance which is used or intended to be used in connection with any building, structure or use, or any space designed and

intended to comply with the requirements of this Zoning Ordinance, as amended from time to time, for any such building or structure erected after such effective date, shall hereafter be maintained in conformance with the provisions of this Zoning Ordinance so long as said building or structure remains, unless the owner provides in another location and equivalent number of spaces in conformance with the provisions of this Zoning Ordinance, as amended from time to time. The Plan Commission shall at all times be furnished proof of permanency of the parking area provided in compliance with this Zoning Ordinance, as amended from time to time.

Section D Off-Street Parking:

Off-street parking facilities for motor vehicles shall be provided in accordance with additional regulations set forth hereinafter:

1. **Use:** Accessory off-street parking facilities required as accessory to use listed herein shall be solely for the parking of passenger automobiles of patrons, occupants, or employees.
2. **Collective Provisions:** Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each such use, and provided that all regulations governing location of accessory parking spaces, in relation to the use served, are adhered to. Further, no parking spaces or portion thereof shall serve as a required parking space for more than one use, unless otherwise authorized by the Board of Zoning Appeals.
3. **Floor Area Definition:** As used in this CHAPTER, the term “floor area”, as applied to offices, merchandising or service types of uses, shall mean the gross floor area of the first floor, plus the gross area of each additional floor used or intended to be used for services to the public as customers, patrons, clients, patients or tenants; including areas occupied for fixtures and equipment used for services to the public as customers, patrons, clients, patients or tenants; including areas occupied for fixtures and equipment used for display or sale of merchandise, but excluding floor areas which are used exclusively for storage, for housing of mechanical equipment integral with the building, for maintenance facilities or for those areas so restricted that customers, clients, salesman and the general public are denied access on a general basis.
4. **Requirements for Uses not Mentioned:** The requirements for an off-street parking facility for a use not specifically mentioned shall be the same as the requirements for a use which is mentioned and which is most similar, in terms of either actual use or expected parking needs, to the use not mentioned.
5. **Parking Spaces:** The number of parking spaces required for any particular building or land use shall be calculated on the basis of specific need. A calculation of the number of spaces needed resulting in a fraction of space shall be corrected by deleting any space less than one-half (1/2) of a full space or by adding one (1) space for any space one-half (1/2) or more than one-half (1/2) of a full space.

6. **Area:** A required off-street parking space shall be a minimum of ten (10') feet in width and twenty (20') feet in length, exclusive of access drives or aisles, ramps, columns, or office work areas. Enclosed parking spaces shall have a vertical clearance of at least seven (7') feet.
7. **Access:** Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alleys in a manner which will least interfere with traffic movement. No driveway across public property at the right-of-way line shall exceed a width of twenty-five (25') feet. The width may be increased to thirty-five (35') feet to accommodate truck traffic.
8. **In Yards:** Off-street parking spaces, open to the sky, may be located in any yard, except a front yard and a side yard adjoining a street. Enclosed buildings and carports containing off-street parking spaces shall be subject to applicable yard requirements.
9. **Parking Space Requirements:** Parking space for motor vehicles in all Zoning Districts in connection with every residential, recreational, instructional, cultural, business and industrial use shall be provided as follows: and in accordance with the "Parking Schedule" herein as item 13 of this section.
 - a. In a multi-use building, parking shall be calculated for each "use" classification separately, then added together.
 - b. With the exception of industrial or manufacturing establishments and shopping centers, one (1) parking space per two (2) employees shall be provided IN ADDITION to the space required in the "Parking Schedule" for customers, patrons, etc.
 - c. In no case, except residential, shall there be permitted less than five (5) parking spaces in addition to parking required for employees.
10. **Location:** All parking spaces required to serve buildings or uses erected or established after the effective date of this Zoning Ordinance shall be located on the same lot as the building or use served. Buildings or uses in any Zoning District, except single-family and two-family dwellings existing on the effective date of this Zoning Ordinance which are subsequently altered or enlarged so as to require the provision of parking spaces under this Zoning Ordinance, as amended from time to time, and new uses established in any Business Zoning District may be served by parking facilities located on land other than the lot on which the building or use served is located, provided such facilities are within three hundred (300') feet walking distance of a main entrance to the use served, and in any case are located in Zoning Districts where parking lots or storage garages are listed as permitted uses or approved and authorized variance of use.
11. **Employee Parking:** Parking spaces required on an employee basis shall be based on the maximum number of employees on duty, whether full or part-time, on the premises at any one time.
12. **Handicapped Parking:**

Parking space shall be reserved for the exclusive use of handicapped persons as follows:

 - a. Handicapped parking spaces will equal or exceed the area standards set forth previously;
 - b. The location and any other requirements will meet any State or Federal regulation;

- c. There shall be minimum of one (1) space reserved for the exclusive use of handicapped persons for each commercial or otherwise recognized “public use” activity;
- d. Each parking space reserved for the use of handicapped persons shall be designated as such by the display of the official international wheel chair symbol of facsimile thereof;
- e. Each designated handicapped parking spaces shall be a minimum of three hundred (300’) square feet in area;
- f. All handicapped parking spaces shall be located as near to major entrance of the facility it serves as is possible; and
- g. The following number of handicapped parking spaces per parking lot are recommended:

Lot Spaces	Handicapped Spaces (Minimum)
5-25	1
26-50	2
51-75	3
76-100	4
100 or more	Subject to Review of the Plan Commission with a minimum of at least one (1) additional space for every fifty (50’) spaces provided above one hundred (100)

13. **Required Spaces:** The minimum number of off-street parking spaces accessory to designated uses shall be provided according to the following schedule: *Note: These parking requirements are in addition to the required one (1) space per two (2) employees denoted in Section 11 above.*

PARKING SCHEDULE*	
Auto courts, motels, vacation homes	1 space for each sleeping room
Automobile service and repair garage; gasoline filling and service stations	2 spaces for each repair and service stall
Banks	1 space per 200 square feet of floor area, plus off-street stacking of 6 vehicles per drive-in window
Barber shops & beauty parlors	2 spaces for each chair
Bowling alleys	8 spaces for each lane
Camp sites	1 ½ per camp site
Camps and clubs for outdoor sports	1 space for every 2 persons of minimum anticipated capacity
Church, auditorium, stadium, gymnasium, theater, assembly hall or other similar places of assembly	1 space for every 3 seats
Clothing, furniture, appliance, hardware, automobiles, machinery sales, shoe repair, personal services (other than beauty and barber shops), wholesale sales	1 space for every 500 square feet of floor area
Convalescent homes, nursing homes, homes for aged	1 space for each 4 beds, plus 10 percent of the total required spaces, including employee parking

Dance halls, assembly and exhibition halls without fixed seats; community center, civic clubs, fraternal orders veterans' organizations, union halls and any similar type of occupancy	1 space for every 50 square feet of floor area
Doctor, dental or medical clinics	1 space per office or treatment room, plus 1 space per waiting room seat
Drive-in restaurants	1 space per every 15 square feet of building floor area, but not less than 20 spaces
Dwelling	2 spaces for each dwelling unit
Funeral homes, mortuaries	1 space for every 25 square feet of floor area of chapels, assembly rooms
Hospitals, sanitariums	1 space for each bed, plus 1 space for each doctor
Hotels, lodging houses	1 space for each sleeping room
Industrial or manufacturers' establishments	1 space per employee for 1 shift operation; 1 ½ spaces per employees working in a single shift in a multiple-shift operation
Launderette, Laundromat, self-service laundry, washateria or any similar use or establishment under a different name	1 space for each 2 washing machines or portion thereof
Libraries	1 space for each 300 square feet of floor area
Museums	1 space for every 300 square feet of floor area for local, state or national museum
Offices, business and professional (except medical office)	1 space for every 200 square feet of floor area
Post offices	1 space for each 300 square feet of area, plus 1 space for each mail vehicle
Restaurants, cafeterias, taverns, bars	1 space for every 2 patron seats
Restaurants with drive-thru or pick-up facilities	1 space for every 2 seats, plus 1 space for every 15 square foot of customer area
Schools: Elementary and junior high	One space per employee plus .20 spaces per student
Schools: Senior High	One space per employee plus 1 space per 2 students based on estimated classroom capacity (plus additional requirements, stadiums, etc.)
Shopping centers	6 spaces per 1,000 square feet of floor area as defined in subparagraph (3), item b of this Section
Stores, all other retail	1 space for each 150 square feet of building floor area
Supermarket, self-service food stores	1 space for each 200 square feet of floor area

Table game establishment (i.e., pinball, pool, etc.)	1 space for each 100 square feet of floor area
Warehouse	1 space per 5,000 square feet of floor area

For purpose of this “Parking Schedule”, shopping center is defined: any single structure or group of structures designed and used for three (3) or more distinctly separate commercial uses, excluding bowling alleys and theaters, and which share a common parking area.

14. **Review of Plans:** Plans and specifications for the construction or alteration of an off-street parking area accommodating five (5) or more vehicles shall be submitted to the Plan Commission. Written approval by the duly designated Town Building Official of all parking area plans shall be secured before an Improvement Location Permit can be issued. The plans and specifications should show the location, basis of capacity calculation, size, site design, surfacing, marking, lighting, drainage, curb-cuts, entrances, exits and any other detailed features essential to the complete design and construction of the parking area.

15. **Design, Construction and Maintenance:** In addition to the general design requirements specified herein, the following design and construction requirements shall be satisfied in all off-street parking areas with any exceptions noted:
 - a. A minimum area of two hundred (200') square feet shall be provided for each vehicle parking space; each space shall be definitely designed and reserved for parking purposes and each space shall be accessible separately from a drive;
 - b. Parking areas shall be designated and marked so as to provide for orderly and safe movement and storage of vehicles;
 - c. Width and length of parking stalls and access drives shall be drawn as indicated in the Exhibit at the end of this CHAPTER, depending on the type of parking arrangement to be used;
 - d. Accessory parking spaces may be open to the sky or enclosed in a building;
 - e. **Surfacing:** All open off-street parking spaces and access drives shall be blacktop or concrete, or surfaced with smooth and durable compatible surface material so that they will remain free from dust or litter particles, and be adequately drained so that they will not retain water, except all open off-street parking areas containing more than five (5) parking spaces and access drives shall be improved with:
 - i. Six (6") inches of compacted base materials; one and one-half (1 ½") inches of binder material; and one (1") inch of wearing surface (hot mix); or
 - ii. Eight (8") inches of compacted base material; and two (2") inches of wearing surface (hot mix);
 - iii. No Certificate of Occupancy shall be granted without the surfacing of the required off-street parking spaces and access drives, as required herein.
 - f. **Screening, Landscaping, and barriers:** All open off-street parking areas, containing more than four (4) parking spaces, located less than forty (40') feet from the nearest property line of a lot in a Residential Zoning District, shall be effectively screened on each side adjoining or fronting on such property line by a wall, fence, or densely planted compact hedge, not less than five (5') feet nor more than eight (8') feet in height. The screening,

landscaping and barriers shall be adequately maintained for aesthetic reasons. There shall be installed a substantial barrier on or adjacent to the lot line along all open off-street parking spaces and such barrier shall be so located that no portion of any vehicle parking on the lot shall extend over the lot line;

g. **Lighting:**

- i. Except for single-family and two-family residential lots, adequate lighting shall be provided for use when a parking area is in operation. All lighting shall be arranged so that no source of light shall be directly visible beyond the parking lot upon which the lighting is located and all lighting structures shall conform to the provisions of this Zoning Ordinance, as amended from time to time;
- ii. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance, and in a parking area containing five (5) or more parking spaces, such lighting shall be extinguished one-half (1/2) hour after the close of business, except as may otherwise be permitted or required by the Board of Zoning Appeals Town Plan Commission for maintaining illumination after the time specified above.

h. **Repair and service:** No motor vehicle repair work or service of any kind shall be permitted in conjunction with any parking facilities. No gasoline or motor oil shall be sold in conjunction with any accessory parking facilities. Only those signs essential to the functions of the parking area shall be displayed.

- i. All sidewalks surrounding off-street parking spaces shall be kept free from dirt, ice, sleet and snow and maintained in a safe condition for pedestrian travel;
- j. Where a parking area with a capacity of five (5) or more vehicles adjoin a public street or alley, a planted buffer at least five (5) feet wide shall be provided between the parking area and the adjoining street or alley right-of-way line and vertical plant materials no less than four (4) feet in height. No more than two (2) driveway approaches shall be permitted to break this buffer strip from any minor street;
- k. Every parking lot shall be designed in such a way as to provide convenient pedestrian access from all parts of the parking lot to the building(s) which it is to serve.

16. **Increases to Parking Area:** Any increase in effective capacity of any premise use for which off-street parking is required in accordance with this Zoning Ordinances, as amended from time to time, shall be accompanied by the provision and maintenance of parking space in proper ratio to the increased capacity and according to all applicable regulation of this Zoning Ordinance, as amended from time to time.

17. **Joint Use Parking Areas:** The joint use of parking facilities by two (2) or more uses are recommended whenever such use is practicable and satisfactory to each of the uses intended to be served and when all requirements for location, design and construction can be satisfied. In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that occur at the same time. If peak requirements for individual uses occur at distinctly different times from the peak requirements for other joint uses, the maximum capacity required for joint use may be less than the sum of total individual space requirements if approved by the Plan Commission. A copy of any agreement between joint users shall be filed with the

application for an Improvement Location Permit and recorded with the Planning Department. The agreement shall include a guarantee for continued use of the parking facility for each party to the joint use.

18. Parking Restrictions:

- a. Parking in driveways is prohibited except in one-family and two-family Residential Zoning Districts;
- b. Parking spaces for other permitted or approved and authorized variance of use condition(s) not listed above shall be provided in accordance with requirements designated by the Plan Commission and/or Board of Zoning Appeals.
- c. Parking on unpaved open space is prohibited.

19. **Truck parking** is regulated by Ordinance Number 467 and 481 adopted by the Town Council on November 30, 1988, and April 26, 1989, respectively.

20. **Parking, Storage, or Use of Major Recreational Equipment:** For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use. All such equipment shall be that of the owner or the tenant of the property. No such equipment shall be stored on a Zoning lot which is not owned by tenant or owner of that Zoning lot.

21. **Parking and Storage of Certain Vehicles:** Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned or resort zoned property, other than in completely enclosed buildings.

Section E Off-Street Loading:

Off-street loading spaces accessory to designated uses shall be provided as follows:

1. **Location:** All required loading spaces shall be located on the same lot as the use served. All motor vehicle loading spaces which abut a Residential Zoning District or intervening alley, separating a Residential Zoning District, from a Business Zoning or Industrial Zoning District, shall be completely screened by building walls, or a uniformly painted solid fence, wall, or door, or any combination thereof, not less than eight (8') feet in height. No permitted or required loading space shall be located within forty (40') feet of the nearest point of intersection of any two (2) streets. No loading space shall be located in a required front or side yard, and any loading space located in a required rear yard shall be open to the sky.
2. **Off-Street Loading Space Requirements:** On the same premises with every building, structure or part thereof, hereafter erected, established or enlarged and occupied for manufacturing, storage, warehouse goods display, department store, wholesale store, market, hotel, mortuary, laundry, dry cleaning or other uses, involving the receipt or distribution by vehicles or material or

merchandise, there shall be provided and maintained adequate space for standing, loading, and unloading in order to avoid undue interference with public use of the street or alley.

Such space, unless otherwise adequately provide for, shall include a twelve (12') foot by thirty-five (35') feet loading space with fourteen (14') foot height clearance for every twenty thousand (20,000') square feet or fraction thereof in excess of three thousand (3,000') square feet of floor area used for above mentioned purposes, or for every twenty thousand (20,000') square feet or fraction thereof in excess of three thousand (3,000') square feet of land used for the above-mentioned purposes. These requirements may, upon appeal, be increased, modified, or waived by the Board of Zoning Appeals where the conditions or circumstances justify such action.

3. **Access:** Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alleys in a manner which will least interfere with traffic movement.
4. **Surfacing:** All open off-street loading spaces shall be improved with storm water drainage facilities and pavement surfacing in accordance with the Town of Cedar Lake Development Standards.
5. **Repair and Service:** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities.
6. **Utilization:** Space allocated to any off-street loading space shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
7. **Minimum Facilities:** Uses for which off-street loading facilities are required herein but which are located in buildings of less floor area than the minimum prescribed for such required facilities, shall be provided with adequate receiving facilities, accessible by motor vehicle, off any adjacent alley, service drive, or open space on the same lot.
8. **Permanency of Space Provided:** Any parking or loading space established prior to the effective date of this Zoning Ordinance and which is used or intended to be used in connection with any main building, structure or use, or any spaces designed and intended to comply with the requirements of this Zoning Ordinance, as amended from time to time, for any such main building or structure erected after the effective date, shall hereafter be maintained so long as said building or structure remains unless the owner provides and maintains in another location an equivalent number of required spaces for the same use, in conformance with the provisions of this Zoning Ordinance, as amended from time to time.

Chapter 13 – LANDSCAPING REQUIREMENTS

Section A Purpose:

The purpose of these landscaping requirements is to underscore the importance landscape materials play in the responsible development of real property and overall enhancement of the Town. The minimum landscape standards contained herein are intended to benefit the public welfare through improved aesthetics, preservation of green space, improved and/ or maintained air quality and the reduction of storm water runoff, glare, and heat build-up.

Section B Applicability:

The minimum landscape standards contained herein shall apply to all developments except detached single family and agricultural uses in the Town and previously approved and platted developments unless new Development Plan approval is being sought.

Section C Planting Standards:

Under no circumstances shall any artificial plant be installed as part of the plantings required by this Chapter. All plant materials required by this Chapter shall be living and shall meet the additional requirements contained in this Chapter.

Section D Conflicts in Standards:

In any case in which conflicts exist between the landscaping requirements of this Chapter and the landscaping requirements of any other applicable Town Ordinances, the stricter standard shall apply.

Section E General Requirements:

All plant materials required by this Chapter shall be free of disease, insects and /or damage.

Section F Screening Requirements:

1. Ground mounted heating and cooling units and above ground fuel tanks must be screened from the view from public streets and adjacent properties.
2. All trash dumpsters, trash pads and outside storage areas shall be screened from the view from residentially zoned property or residential uses and shall be screened from the view from a public street. Such screening may be achieved by using a minimum six feet (6') high opaque screen consisting of material similar to the Principal Building.
3. **Vision Clearance Triangles:** No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between two (2') and six (6') feet above the street, shall be placed or permitted to

remain on any corner lot within the triangular area formed by the street right of way lines, or in the case of a rounded property corner, from the intersection of the street right of way lines extended. The same sightline limitations shall apply to any lot within ten (10') feet from the intersection of a street right of way line with the edge of a driveway, pavement, or alley line.

4. All trees and shrubs must be planted a minimum of five (5') feet behind the right-of-way.

Section G Side and Rear Landscaped Yards:

A landscaped and maintained yard area shall be provided the width of which shall comply with the required width as shown in the various commercial and industrial zoning districts in this Zoning Ordinance.

Section H Parking Lot Interior Requirements:

To help reduce excessive heat buildup and emissions from large areas of hard surfacing, landscape areas must be provided withing parking lots as follows:

1. **Landscaped Areas Required:** Landscape islands with a surface area equal to five percent (5%) of the area of the paved surface, including all parking spaces, interior drives, loading docks, drop-off/pick-up lanes, and access drives beyond the right-of-way shall be provided in all parking lots.
2. **Landscaped Area Standards:** The required landscape areas shall meet the following minimum requirements:
 - a. All required landscaped areas shall consist of curbed islands or peninsulas that are surrounded on at least two (2) sides by pavement;
 - b. Landscaping on the perimeter of the parking lots shall not be counted toward complying with this requirement;
 - c. A minimum of one (1) deciduous tree shall be provided for two hundred (200') square feet of landscaped area required; and
 - d. A landscaped island shall be provided at the end of every twenty (20) parking spaces or one hundred (100) linear feet, whichever is less.

Section I Maintenance Requirements:

Trees, vegetation, irrigation systems, fences, walls, and other landscape elements are considered elements of a project in the same manner as parking and other site details. The owner of the property shall be responsible for the continuous proper maintenance of all landscaping materials, and shall keep them free from refuse and in good repair at all times. The owner of the property shall either remove all debris prior to mowing of the landscaped areas or shall bag as the mowing activity occurs so as to not discharge debris onto the neighboring properties.

1. **Installation:** All required landscaping shall be installed prior to the issuance of a Certificate of Occupancy by the Town. If it is not possible to install the required landscaping because of weather conditions, the property owner shall post a bond for an amount equal to the total cost of the

required landscaping prior to the issuance of the temporary Certificate of Occupancy. The temporary Certificate of Occupancy shall expire within six (6) months and shall not be renewed unless the property owner demonstrates to the Town that failure to comply was due to unique circumstances.

3. **Replacement of Landscaping Materials:** All unhealthy or dead plant material shall be replaced by the next planting season. Other required landscape material that becomes defective shall be replaced or repaired within three (3) months of the occurrence of the defect.
4. **Trimming Plan material:** Landscape materials are intended to grow, spread, and mature over time. Landscape materials used to fulfill requirements of this Ordinance may not be pruned or otherwise treated so as to reduce overall height or level of opacity below the minimum requirements. Pruning, limbing-up, topping, and other inhibiting measures including removal may only be practiced to ensure the public safety, to maintain a neat and attractive appearance, and to preserve the relative health of the material involved.
5. **Changes After Approval:** No landscaping which has been approved by the Plan Commission may later be altered, eliminated, or sacrificed without first obtaining further or supplemental Plan Commission approval.
5. **Inspection:** The Town by its duly authorized representatives shall have the authority to visit any lot to verify compliance with the landscaping requirements.

Section J Grading:

All grading or change of grade in any subdivision or building area of the Town shall be in conformance with the grade level established by the Town for the approved building, storm water discharge, and the health, welfare, and safety of the residents of the Town. No grading will be permitted so as to interfere with storm water drainage as established by the Town Ordinances or to divert discharges of water or other substances. Any grading on building property other than the levels established by the Town Ordinances shall require a land use permit.

Chapter 14 – LIGHTING REQUIREMENTS

Section A Intent and Purpose:

The purpose of this Zoning Ordinance is to protect the health, safety and welfare of the public by recognizing the need for buildings, roadways and sites to be illuminated for safety, security and visibility for pedestrians and motorists balanced against the often-harmful effects associated with the use of outdoor lighting. This Zoning Ordinance provides standards for various forms of lighting that will: reduce light pollution and light trespass from light sources onto adjacent properties; enhance customer and employee safety, contribute to improving visibility by required illuminated areas to have uniform light; and curtail the degradation of the nighttime visual environment.

Section B Applicability:

All outdoor lighting installed after the date of effect of this Zoning Ordinance shall comply with these requirements. This includes, but is not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by a third party. The Town Engineer, or Town designee, shall review or inspect any building or site to determine compliance with requirements under this Ordinance. Whenever a person is required to obtain a building permit from the Town, the Applicant shall submit sufficient information to enable the Town Engineer, or Town designee, and/or Plan Commission to determine whether the proposed lighting will comply with this Zoning Ordinance, as amended from time to time.

Section C Street Light Standards:

All developments and subdivisions which include residential or collector roadways shall meet the following minimum standards for providing public street lighting, namely:

1. All subdivisions and developments shall submit public improvement and development plans that incorporate a proposed street lighting system to the Town. The street lighting plan shall show the location and direction of the pole plus mast and the proposed routing of the electric cable and duct.

An LED type Cobra head style luminaire, shall be placed at all intersecting public streets, which intersect w/major county or state highways and/or major streets.

An LED type Cobra head style luminaire, shall be placed at all cross or “T” intersections and at the end of streets and cul-de-sacs. An LED type luminaire shall be placed at mid-block of all blocks greater than two hundred seventy-five feet (275’), at a distance not to exceed five hundred feet (500’) between installations. Mid-block lighting is not required for blocks of two hundred seventy-five feet (275’) or less. An LED type luminaire shall also be placed at all major curves in street alignment.

Mounting height shall be a minimum of twenty-five feet (25'), and not exceed thirty feet (30') for all poles, except by approval from the Plan Commission.

All electric cable shall be placed underground in a unit duct. Each light shall have a single feed from the light standard to the point of connection to NIPSCO electric lines. The single feed shall run through an above grade secondary electrical pedestal disconnect (Advanced Pedestals, Inc. [API] 10x14) or equal. The feed disconnect should have a buss inline link w/crimp terminals and watertight rubber boots (IA0512) or equal in the disconnect pedestal. The feed line from NIPSCO pedestal to API secondary disconnect pedestal shall be piped with rigid PVC conduit (schedule 40) with two (2) 90-degree elbows.

For developments where access to individual NIPSCO pedestals have limited access, the use of a centrally located lighting controller will be allowed. The controller shall be powered by one single point electric service at 120/240V, 1Ø, 3 wire underground service. The lighting controls shall be installed within a ground mounted NEMA 3R, green painted aluminum Type 3 lockable cabinet. The individual light standards shall be connected to the lighting controller via alternating branch circuits. The control shall consist of a mechanically held contactor which is automatically controlled via controller mounted photocell with a manual Hand-Off-Auto switch and individual branch circuits. Various controls shall be as shown in the standard details.

After completion of the street lighting system, all subdivisions and developments shall submit to the Town Engineer, or Town designee, a set of "As Built" drawings, showing the routing of electric cable, mounting height, bracket length, luminaire wattage and the locations of the light standards, disconnect pedestal, and point of connection to NIPSCO. The Town Engineer, or Town designee, shall inspect the system for conformance to the standards set out in this document. The Town Engineer, or Town designee, may accept the system after all the deficiencies are corrected, or may accept strictly "luminaire maintenance" until such time when the underground utilities are accepted. If the Town Engineer, or Town designee, accepts strictly the luminaire maintenance, the project developer shall be responsible for any other deficiencies in the street lighting system.

Section D Light Standards and Brackets:

The complete standard shall be the type manufactured by the Hubbard Aluminum Pole Company (HAPCO) Company or a physically equivalent type approved by the Town Engineer, or Town designee, and shall meet all the requirements of these standard specifications. The pole size, bracket size, and applicable catalog/part numbers are to be clearly shown on the street light plans and also within manufacturer catalog cut sheets. The mounting heights shall not exceed thirty feet (30') for all subdivisions.

Each light standard shall be a one-piece, seamless, round tapered tube of aluminum alloy 6063, hollow shaft, with attached bracket arm and all accessories described herein. The pole shall have a 0.188" wall thickness. The pole shall be fully heat-treated along its entire length post- welding of the base flange, to produce the required T6 temper.

Welding shall be done by the inert gas shielded metal arc method with consumable electrode. Aluminum alloy 4043 electrode shall be used.

The base flange for the attachment of the shaft to the foundation shall be a one-piece cast socket of aluminum. The flange shall be joined to the shaft by means of complete circumferential welds, externally at the top of the flange and internally at the bottom of the shaft tube. The bolt holes shall be capable of containing 1" anchor bolts with a specific bolt circle diameter of 11-1/2". The base shall have an opening of such size as will permit easy entry of all conduit.

An ornamental cap of aluminum alloy shall be provided with each shaft. The cap shall be fastened to the shaft by means of a stainless-steel screw.

The pole shaft shall include a 4" by 6" reinforced handhole centered 18" above the bottom of the shaft. Handholes are to be located 90 degrees clockwise from the plane of the bracket arm as viewed from the top. The opening for the handhole shall be oval in shape and measure 4" by 6", with the major dimension along the vertical axis. The hole in the shaft wall shall be reinforced with a frame of aluminum alloy 356-T6, which shall project slightly beyond the wall interior and be completely joined to the interior and exterior of the shaft with a fillet of which the minimum size shall be 5/16". The opening shall be protected by a snug-fitting cover attached with two stainless steel hex head screws. The external contour of the reinforcing frame and cover shall be curved to conform to the roundness of the shaft. The cover shall have a surface finish similar to the shaft.

Each pole shall contain an internal lug with a 3/8" diameter hole for the purpose of attaching a grounding connector.

The bracket arm shall be the truss type of design with an upper and lower member joined near the luminaire end of the arm and braced with a vertical strut. The upper member shall be the continuous or wiring member and shall be a tapered tube ovalized at the pole shaft end with the major dimension of the oval in the horizontal plane. Tube nominal wall thickness shall be 1/8". The lower member shall be standard circular pipe. Both upper and lower members shall be attached to the pole shaft with 1/4" thick wrought, curved plates. Plates shall be welded to the members. The upper attachment shall be made with four 1/2" aluminum bolts, nuts and lock washers. The lower attachment shall be made with two 3/8" Aluminum bolts and blind nuts. Blind nuts shall be factory-installed in the pole shaft. Wiring at the upper attachment shall be through a grommeted 1-1/4" diameter hole. The material of the main bracket members and their attachment plates shall be aluminum alloy 6063-T6. The bracket arm shall incorporate a 2" pipe size slip-fitter tenon at least 6" long.

The bracket arm shall be of such length as will provide for the attaching of a light fixture twelve (12) feet from the shaft at all pole locations, on all equipment and materials.

The Foundation Anchor Bolts shall have a set of four threaded 1"-8NC stainless steel anchor bolts, minimum 40" in length with a 12" minimum length of hot-dipped galvanizing at the threaded end, shall be provided for anchoring the base to the concrete foundation. The bolts shall include a 4"

right angle hook at the unthreaded end and 6" of thread on the threaded end. A galvanized nut, lock washer and flat washer shall be supplied with each anchor bolt. Four anchor bolt covers of aluminum and stainless-steel screws with nylon backing used for corrosion protection for their attachment shall be provided.

All pole mounting material shall be either aluminum or stainless steel. No mixing of dissimilar metals will be allowed. Pole base plates shall be welded cast aluminum to accept the foundation anchor bolt hardware.

The pole shaft shall be provided with a satin finish accomplished by mechanical rotary grinding. The bracket arms shall be provided with a satin etched finish. All materials shall be clean, free from dents and gouges. No surface preparation or painting of any type shall be performed on the assembly components at the time of installation.

Raceway openings shall be free from burrs and rough edges that may be injurious to the installer and wiring and shall be fitted with a rubber grommet.

In areas where breakaway devices are required, these devices shall be by means of breakaway couplings and aluminum shrouds or transformer bases.

Section E Luminaire, LED Type, Mast Arm Mounted, Residential:

*LED Lighting Requirements for Residential Roadways
Performance Criteria*

LUMINAIRE REQUIREMENTS	
Maintenance	Toolless Entry Gasketed and Sealed and UL Listed for Wet Locations
Light Source & Drivers	Restriction of Hazardous Substance (RoHS) and Design Lights Consortium (DLC) Compliant
Operating Temperatures	-20°C to +40°C
Internal Connections & Components	Preamsembled and Prewired Using Modular Electrical Connections
Minimum Life Expectancy	100,000 Hours
Voltage Fluctuations	+ or – 10%
Housing Finish Color	Gray, ASTM Rating of Six per D1654 after 1000 Hours
Tenon Nominal Pipe Size (Inches)	2"
Maximum Luminaire Weight (lb)	75 lb.
Nominal Luminaire EPA (ft ²)	40 ft ²
Nominal Input Voltage (V)	120V or 240V
ANSI Vibration Test Level	Level 1 (Normal)
Identification	External Labeling per ANSI C136.15 & 22
Optics	Type 3, Flat Glass
Mounting Method	Swivel-tenon/Mast Arm

Driver	Control Signal Interface	
Nominal BUG Ratings	B3-U0-G3	
Make/Model of LED Lighting Manufacturer(s)	GE, Cree, AEL, Eaton, Leotek or Equal	
Make/Model of LED Driver(s)	Advance, Philips or Equal	
Dimmability	<input checked="" type="checkbox"/> Dimmable	<input type="checkbox"/> Not dimmable
Electrical Immunity System Failure	No Possible Disconnect	
Thermal Management	No Moving Parts	
Warranty Period (yr)	10 Year	
Buy America Compliance	NEMA listed company (provide copy of compliance document)	
Design Lights Consortium Compliance	Yes (Provide documentation verifying product listing on DLC's website)	
PARAMETERS		
Lamp Lumen Depreciation	0.70	
Initial Input Power (W)	170-200W	
Maintained Input Power (W)	170-200W	
Initial LED Drive Current (mA)	530 min.	
Maintained LED Drive Current (mA)	530 min.	
CCT (K)	4000	
S/P ratio	0.9	

Section F Luminaire, LED Type Mast Arm Mounted, Commercial and Collector:

*LED Lighting Requirements for Commercial/Collector Roadways
Performance Criteria*

LUMINAIRE REQUIREMENTS	
Maintenance	Toolless Entry Gasketed and Sealed and UL Listed for Wet Locations
Light Source & Drivers	Restriction of Hazardous Substance (RoHS) and Design Lights Consortium (DLC) Compliant
Operating Temperatures	-20°C to +40°C
Internal Connections & Components	Preassembled and Prewired Using Modular Electrical Connections
Minimum Life Expectancy	100,000 Hours
Voltage Fluctuations	+ or – 10%
Housing Finish Color	Gray, ASTM Rating of Six per D1654 after 1000 Hours
Tenon Nominal Pipe Size (Inches)	2"
Maximum Luminaire Weight (lb)	75 lb.
Nominal Luminaire EPA (ft ²)	40 ft ²
Nominal Input Voltage (V)	120V or 240V

ANSI Vibration Test Level	Level 1 (Normal)
Identification	External Labeling per ANSI C136.15 & 22
Optics	Type 3, Flat Glass
Mounting Method	Swivel-tenon/Mast Arm
Driver	Control Signal Interface
Nominal BUG Ratings	B3-U0-G3
Make/Model of LED Lighting Manufacturer(s)	GE, Cree, AEL, Eaton, Leotek or Equal
Make/Model of LED Driver(s)	Advance, Philips or Equal
Dimmability	<input checked="" type="checkbox"/> Dimmable <input type="checkbox"/> Not dimmable
Electrical Immunity System Failure	No Possible Disconnect
Thermal Management	No Moving Parts
Warranty Period (yr)	10 Year
Buy America Compliance	NEMA listed company (provide copy of compliance document)
Design Lights Consortium Compliance	Yes (Provide documentation verifying product listing on DLC's website)
PARAMETERS	
Lamp Lumen Depreciation	0.63
Initial Input Power (W)	200W max.
Maintained Input Power (W)	200W max.
Initial LED Drive Current (mA)	530
Maintained LED Drive Current (mA)	530
CCT (K)	4000
S/P ratio	0.9

Section G Foundation:

1. **Pole Foundation:** Pole foundations shall be constructed with a reinforced concrete foundation with dimensions required by the type of soil as shown on the soil tests and borings. Details below indicate minimums for concrete foundation construction.
 - a. Foundations shall include a cage made of #3 and #5 reinforcing bars. The cage shall be 16" in diameter. There shall be six #5 bars, five feet in length, welded to six #3 bars which shall be spaced 12" O.C. and shall be formed into a 16" diameter circle.
 - b. Foundations shall also contain a 5/8" dia. By 10' length grounding rod and shall be attached to the internal grounding lug located within the pole by clamps and suitable gauge electrical grounding wire.
2. **Materials:** In areas where conventional concrete foundations cannot be utilized, the use of metal "Helix" type foundations may be utilized with written approval from the Town Engineer, or Town designee. The details below identify the materials required.

- a. Anchor bolts, nuts and washers shall comply with requirements of ASTM A307. Anchor bolt hooks shall be made by hot-bending the bolt shank. The anchor bolt, nut & washer shall be treated by hot-dipped galvanizing in accordance with ASTM A153. The raceway shall be a 2" straight conduit of rigid plastic.
 - b. Metal pole foundations shall be in accordance with INDOT Standard Specifications, Section 807 latest edition. The length of the Helix foundation shall be as recommended by the manufacturer and soil conditions.
3. **Construction Method:**
 - a. The foundation excavation shall be made by drilling with an auger. The foundation shall be cast-in-place and allowed to cure for at least fourteen (14) days prior to erecting the light pole standard. Concrete may be deposited against the soil. However, if soil conditions require use of a liner to form the hole, the liner may be withdrawn as the concrete is placed, with the approval of the Town Engineer, or Town designee. The top of the foundation shall be struck-off level, to preclude the use of shims or other leveling material, in order to allow plumb placement of the light standard on the foundation surface.
 - b. Metal pole foundation installation shall be in accordance with INDOT Standard Specifications, latest edition.

Section H Electric Cable 600 Volt, Plastic Insulated Materials:

The electric cable shall comply with the ASTM Standards (latest edition) Designation Number and shall comply with the Insulated Power Cable Engineers Association Standards cited by the paragraph or table number in Insulated Power Cable Engineers Association (IPCEA) Pub. S-61-402 (latest edition).

1. Conductors:

The conductors shall be in accordance with INDOT Standard Specifications, latest edition, and shall be a minimum of No. 10 AWG size using Cross-Linked Polyethylene (XLP) or Ethyl Propylene Rubber (EPR) in the light standard. When not within the light standard, the wire shall be a minimum of No. 6 AWG using XLP or EPR. Conductors of No. 8 AWG size, XLP or EPR – Underground Service Entrance (USE) and smaller shall be stranded annealed copper wire that complies with ASTM B-3. Conductors of No. 6 AWG size and larger shall be stranded annealed copper wire complying with ASTM B-8. Conductors shall be of different colors to designate hot and neutral wires. Preferred colors are black, red and white.

2. Fuses:

The wiring in the light standard shall have a 10 amp in-line fuse, Bussman Type Model No. FNM-10 (or equal), and shall use an inline breakaway fuse holder with crimp terminals and watertight rubber boots. The neutral shall have a Bussman identified solid neutral fuse holder and crimp terminals with rubber boots.

3. Unit Duct:

The electric cable shall be in accordance with INDOT Standard Specifications, latest edition. The unit duct shall be one (1) piece without splices. The unit duct may be formed by extruding it over

the insulated conductors. The unit duct shall have a smooth inner bore which does not adhere to conductor insulation.

4. **Construction Methods:**

The electric cable shall be continuous (no splicing) between the service connection and disconnect pedestal, lighting controller and light standard, and between the disconnect pedestal and light standard, and shall be contained within the plastic unit duct. The duct shall extend one foot into the light standard and the cable shall be long enough for the splices to be withdrawn 18" from the pole handhole. All electric cable and electric cable unit duct shall be buried a minimum depth of 30" below finished grade.

5. **Splicing of 600 Volt Cable and Wire (In Light Standard):** This specification covers splicing of insulated electric cable and wire. Compliance with the ASTM Standards is required, which Standards are cited by the ASTM Designation Number.

6. **Taped Splices: (Only allowed with prior approval from the Town or Town designee)** A taped splice shall mean a splice of pigtail construction made with a spring connector, rubber tape, and plastic/vinyl tape of the following description and construction:

Section I Vibratory Plowing:

The cable duct shall be directly buried by a vibratory plowing method to a minimum depth of thirty inches (30"). Cable unit duct shall not be buried to a depth exceeding forty-eight inches (48").

Section J Granular Trench Backfill:

At locations indicated by the Town Engineer, or Town designee, a trench shall be constructed to accommodate the cable duct or unit duct, and shall be backfilled with granular material. The contractor or developer shall furnish the backfill material and shall appropriately dispose of all surplus backfill materials.

1. **Construction Methods:**

The trench shall be excavated in a manner to prevent cave-in and at a depth no less than thirty inches (30") and no greater than forty-eight inches (48"). Excavated material shall be withdrawn and placed at a sufficient distance to prevent excavated material from self-returning into the trench. The width of the trench shall be at least six inches (6"). Where the cable duct enters the light standard foundation or a rigid steel conduit, the bottom of the trench shall be built-up in order to provide a smooth directional run of the cable duct.

- a. The cable duct shall be placed in the bottom of the trench after all existing loose granular material has been removed, and any existing protruding granular material stones has been removed or bedded with granular backfill material as directed by the Town Engineer, or Town designee.
- b. The trench shall be backfilled by placing granular material in uniform layers not exceeding six inches (6") in depth (loose/un-compacted measure). The granular material in each

deposited layer shall be thoroughly compacted to a density equal to the existing ground or as approved by the Town Engineer, or Town designee, in such a manner as not to damage the cable duct and/or wiring.

- c. No granular material greater than two-inches maximum dimension shall be allowed in any layer of the backfill placement.
- d. No sod, frozen material, or any foreign material which, by decay or otherwise, would cause settlement, shall be placed as backfill material. Deleterious substances, such as, but not limited to, coal, lignite, shells, clay lumps cemented/concrete particles shall not exceed five percent (5%) by weight in any one (1) sample of backfill material.
- e. Any material excavated from the trench may be used as backfill provided it does not conflict with the above and the material is approved by the Town Engineer, or Town designee. However, if the material in question has been excavated from the roadway base course, sub-base or subgrade, replacement material must be granular trench backfill, regardless of what material has been excavated from the trench.

Section K Acceptance of Street Lighting System:

1. Once the street lighting system has been initially installed according to the specifications set forth in this Section, the Town Engineer, or Town designee, shall, upon the request of the developer, inspect the system and prepare a list of items for repair (i.e. a “punch list”). The punch list shall be provided to the developer, or their designee, and when the appropriate repairs have been made, the Town shall accept the lighting system for maintenance only. The developer shall still be responsible for the lighting system and shall therefore be responsible for any damage due to construction, including cable hits and pole knock-downs. The Town shall accept the lighting system when the development is formally accepted in letter form, as written by the Town.
2. During the punch list creation, the Town shall recognize that one (1) splice on each cable is necessary between the light standard and connection to NIPSCO electrical system. This splice is allowed as a result of cable cut due to construction. If the cable has been cut for other reasons (e.g. accidental cable hit) and requires more than one (1) splice per cable run, the cable and duct shall be replaced in its entirety from the NIPSCO disconnect pedestal to the light standard or from the NIPSCO disconnect pedestal or transformer to the lighting controller.

Section L Off-Street Parking and Site Areas:

1. All lighting used to illuminate off-street parking and site areas shall be so shielded or otherwise optically controlled so as to provide glareless illumination in such a manner as not to create a nuisance on adjacent property.
2. Off-street parking and site areas with lighting shall limit light spillage onto adjacent property. Maximum horizontal foot-candles as given off by the neighboring property as measured in the following districts shall not exceed:

	Foot Candles	Lux
Single-family districts	.1	1.0
Multiple-family residential districts	.2	2.0
Business districts	0.5	5.0
Light industrial districts	1.0	10.0
Park, school and institutional districts	2.5	25

3. All luminaires erected shall not exceed 25 feet above ground level:
 - a. Shall be full cut off optically control sharp cut-offs, as approved by the Town engineer; and
 - b. Shall not be installed with diffusing refractors; and
 - c. Shall maintain an average to minimum illumination of 3:1 or less; and
 - d. Shall be of translucent materials and not transparent materials, as approved by the Town Engineer.
4. All off-street parking and site areas shall be lighted using horizontal foot-candles and uniformity ratios as listed below:

	<i>Off-Street Lights</i>		
	Multi-family	Industrial	Commercial
Horizontal foot-candles	1.2	1.6	2.0
Uniformity Ratio (Avg/Min)	3:1	3:1	3:1

5. **Submittal Requirements:**

The following information must be included for all site plan submissions which include any new exterior lighting:

- a. **Photometric Plan** showing the location of all outdoor lighting fixtures, including but not limited to freestanding pole fixtures, building mounted and canopy light fixtures on the site and building elevations. A photometric grid overlaid on the proposed site plan (with property boundaries) indicating the light intensity throughout the site (in footcandles). Measurements must be at ground level and shown at a minimum ten feet (10') spacing;
- b. **Engineering Details** of all proposed lighting fixtures;
- c. **Manufacturer Specification Sheets** for the type of fixture being proposed including but not limited to the total lumen output, type of lamp, distribution type, method of shielding and any other details that demonstrate compliance with this Ordinance;
- d. Use of proposed fixture; and
- e. Any other information deemed necessary by the Town Engineer, or Town designee, in accordance with the intent and purpose of this Ordinance.

Section M Commercial Sign Lighting:

All commercial sign lighting shall adhere to the INDOT Outdoor Advertising Control Manual, latest edition and the following:

1. Static Sign Lighting:

- a. Signs which contain, include or are illuminated by any flashing, intermittent or moving light or lights are prohibited except for Changeable Message Signs and for those signs giving public service information such as time, date, temperature, weather or similar information.
- b. Signs which are not effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled ways of the highways in the control area and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interferes with any driver's operation of a motor vehicle are prohibited.
- c. No sign shall be illuminated as to obscure or interfere with the effectiveness of an official traffic sign, device or signal.
- d. All such lighting shall be subject to any other provisions relating to lighting or signs presently applicable to all highways under the jurisdiction of the state.
- e. Illumination shall not be added to Non-Conforming Signs.
- f. Bench signs used as outdoor advertising must comply with lighting standards of this section.

2. Changeable Message Signs:

All Changeable Message Signs and Electronic LED Signs shall not exceed 0.3 footcandles (fc) at night or over ambient light conditions when measured at the recommended distance based on the sign size below. Photometric calculations must be submitted to verify the criteria is met.

AREA OF SIGN Sq.Ft.	MEASUREMENT Distance (Ft.)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97

AREA OF SIGN Sq.Ft.	MEASUREMENT Distance (Ft.)
100	100
110	105
120	110
130	114
140	118
150	122
160	126
170	130
180	134
190	138
200	141
220	148
240	155
260	161
280	167
300	173

Conditions under which Changeable Message Signs may be used are as follows:

- a. A sign owner shall not convert a conforming sign to a Changeable Message Sign without the approval of INDOT and/or the Town of Cedar Lake. Approval may be sought by requesting a variance from the Town.
- b. Only a conforming sign structure may be converted to a Changeable Message Sign upon approval from the Town and must meet INDOT requirements. A non-conforming sign structure may not be modified to a Changeable Message Sign under any circumstances.
- c. A Changeable Message Sign shall only be constructed as one (1) of the following:
Note: V shaped structures and stacked or side-by-side signs are not allowed under this Section.
- d. The Owner shall provide the Town with a contact person and phone number for every permitted Changeable Message Sign. The contact person must have the ability and authority to make modifications to the display and lighting levels should the need arise. The Town may direct the permit holder to disable the Changeable Message Sign:
 - i. In cases of emergency; or
 - ii. When the contact is not responsive within a reasonable period of time.
- e. If the Town determines that the Changeable Message Sign:
 - i. Impairs the vision of the driver of any motor vehicle; or
 - ii. Otherwise interferes with the operation of a motor vehicle;
 Then upon request from the Town, the Owner of the Changeable Message Sign shall take appropriate action within twelve (12) hours. Failure to remedy the problem within twelve (12) hours may be cause for revocation of the sign permit.
- f. A Changeable Message Sign shall contain a default design that will freeze the sign in a dark or blank position if a malfunction occurs.

- g. No Changeable Message Signs shall be located within three hundred feet (300') of any building used primarily as a residence unless the Owner of the building consents in writing to such sign.

Section N Public Utility Installed Lighting:

Lighting installed by public utilities will be reviewed on a case-by-case basis to determine how the preferred fixtures and all appurtenances comply with this Ordinance. At minimum, the public utility should submit for review manufacturer cut sheets for each item required for installation of the lighting system. These items shall include but not be limited to the following: Equipment, project specific with model numbers and sizes; Luminaires; Light Poles; Mast Arms; Foundations; Underground Wiring; Fusing and Fuse Kits; and Pole wiring. All lighting locations should comply with approved engineering site plans. Specific items approved for installation should be installed on the subject project site and not be substituted without previous written permission from the Town Engineer, or Town designee. Deviating from previously approved lighting items and/or plans may require removal and prevent acceptance of the entire lighting system.

Section O Other Uses:

For uses not specifically listed in this Ordinance, but determined to be of a type, use, and or intensity that may be harmful to achieving the purpose of this Ordinance, the Town Engineer, or Town designee, depending on the purpose of the lighting, shall classify the lighting into one (1) of the categories noted above. Lighting of a decorative nature will be reviewed on a case-by-case basis. Requirements of this Ordinance may be waived for decorative lighting based on the use, location, and need of the installation.

Section P Prohibited Outdoor Lighting:

Signs or lights that contain oscillating, rotating, flashing, lasers, intermittent or moving light or lights, except the following, namely:

1. Signs or lights which give public service information including but not limited to time, weather, date and temperature and multiple message signs with displays that change not more frequently than once every ten (10) seconds.
2. Illuminated poles supporting business or brand identification signs inside business areas with constant illumination and color and in which the only movement is a slow rotation of the entire body of the sign so as to be visible from all directions.
3. On premise signs which comply with the multiple message designation.

Section Q Exemptions:

The following are exempt from the lighting requirements of this Ordinance, provided that they have no glare or other harmful effects on adjoining streets or properties, namely:

1. Holiday Decorations;
2. Window Displays;
3. Underwater lighting commonly found in swimming pools and other water features;
4. Lighting for Public Monuments and Statuary;
5. Temporary Lighting for theatrical, television, performance areas, construction sites, or other events approved by the Town;
6. Lighting that is necessary during emergency conditions; and
7. Decorative yard and/or landscape lighting.

Section R Definitions:

Definitions and terms used in this Zoning Ordinance, as amended from time to time, shall be defined by the Illumination Engineering Society of North America, latest edition.

Section S Waiver:

Request for a waiver from requirements of this Ordinance may be initiated by written application, which specifically denotes what provisions of this Ordinance relief is being sought. The Application for waiver will be considered and approved by the Plan Commission. The Plan Commission may grant waivers of the requirements of this Zoning Ordinance in cases where it is demonstrated that a hardship exists on the property whereby the full requirements of this Ordinance are impractical to implement. The Plan Commission may impose conditions when approving a written request.

Section T Enforcement and Non-Conforming:

All existing luminaire installations used for outdoor lighting that do not presently comply with the requirements of this Ordinance will be considered legal non-conforming. In the event that a cumulative total of fifty percent (50%) or more of the non-conforming luminaires or their supporting structures are changed, replaced (excluding routine maintenance and bulb/driver replacement or equal light output), or relocated, then all of the luminaire installations must be removed and comply with the current requirements of this Ordinance. The Town Engineer or Town designee, is hereby authorized to inspect luminaries and lighting installations to determine compliance with the applicable provisions of this Zoning Ordinance.

Chapter 15 - FENCE REQUIREMENTS

15.1 Fences Located in Residential Zoning Districts:

Section A General Fence Regulations Applicable to All Residential Zoning Districts:

1. No fence shall be located in the front yard;
 - a. Fences of a decorative nature may be allowed within front yards; maximum height shall be three (3) feet.
2. No fence shall exceed six feet (6') in height;
3. Fences located in the rear and side yard(s) of a lot may be placed on the property line, except as otherwise provided in this Section of the Zoning Ordinance;
4. Fences placed on berms in any yard shall have their maximum height established based upon the distance to the top of fence from the elevation of the grade of the lot before installation of the berm, and reducing the fence height by the additional height created by the berm;
5. A "vision triangle" shall be maintained at the intersections of all public rights-of-ways;
6. No fence or hedge shall be allowed within a vision triangle bound on two (2) sides by lines extending twenty feet (20') from the point of the intersection along the right-of-way line and with the third leg of the triangle connecting the end points of the first two (2) legs;
7. Fences shall not be constructed of a hazardous material, including but not limited to barbed wire, razor wire, or any electrically charged material;
8. Fences shall not be constructed of chain link, wire, or an equivalent type of material adjacent to any street; and
9. The Building Administrator for the Town of Cedar Lake shall have the authority to designate the location of a front yard for all residential properties for determining the appropriate application of the requirements under this Section of the Zoning Ordinance.

Section B Fences on Residential Corner Lots Served by Sidewalks:

1. The designated Town Building Official has the authority to designate one (1) of the front yards as a side yard. A Fence located on a corner lot that has been designated as a side yard shall be set back a minimum of twenty feet (20') from the right-of-way line, and subject to the following provisions in this Section;
2. The fence shall not exceed a height of four feet (4'); however, if the fence is constructed with a material such as wrought iron or wood piers, a six foot (6') high fence is allowed if the entire fence

design is at least fifty percent (50%) open to allow increased visibility to pedestrians and motorists; and

3. Fences shall not be constructed of chain link, wire, or an equivalent type of material adjacent to any street.

Section C Fences on Residential Corner Lots Not Served by Sidewalks:

1. The designated Town Building Official has the authority to designate one (1) of the front yards as a side yard. A fence located on a corner lot not served by a sidewalk(s) that has been designated as a side yard shall be set back a minimum six feet (6') from the right of way line and does not exceed a height of four feet (4') and subject the following provisions in this Sections;
2. If the fence is constructed with a material such as wrought iron or wood piers, a six foot (6') high fence is allowed if the entire fence design is fifty percent (50%) open to allow increased visibility to pedestrians and motorists; and the fence is set back a minimum of six feet (6') from the side lot line; and
3. Fences shall not be constructed of chain link, wire or an equivalent type of material adjacent to any street.

Section D Fences on Residential Through Lots Served by Sidewalks:

1. The duly designated Town Building Official has the authority to designate one (1) of the front yards as a rear yard. A Fence located on a through lot that has been designated as a rear yard shall be set back a minimum of twenty feet (20') from the right-of-way line, subject the additional following previsions in this Section;
2. The fence shall not exceed a height of four feet (4'); however, if the fence is constructed with a material such as wrought iron or wood piers, a six foot (6') high fence is allowed if the entire fence design is at least fifty percent (50%) open to allow increased visibility to pedestrians and motorists; and
3. Fence shall not be contracted of chain link, wire or an equivalent type of material adjacent to any street.

Section E Fences on Residential Through Lots Not Served by Sidewalks:

1. A fence located on a through lot not served by sidewalks that has been designated as a rear yard shall be set back a minimum of six feet (6') from the right of way line and shall not exceed a height of four feet (4'), subject the additional following previsions in this Section;
2. If the fence is constructed with a material such as wrought iron or wood piers, a six foot (6') high fence is allowed if the fence design is fifty percent (50%) open to allow increased visibility to

pedestrians and motorists; and the fence is set back a minimum of six feet (6') from the side lot line; and

3. Fence shall not be constructed of chain link, wire or an equivalent type of material adjacent to any street.

15.2 Fences Located in Business and Industrial Zoning Districts:

1. Fences for security purposes may have a maximum height of eight feet (8') and shall be allowed only within side and rear yards of Business Zoning Districts, and within all yards of Industrial Zoning Districts, but may not be located within required buffer or green strip areas.
2. No fence shall be allowed between the right-of-way and the front setback line in commercial areas served by sidewalks.

15.3 Fences Located in Agricultural Zoning Districts:

1. Fences located in Agricultural Zoning Districts used for agricultural purposes shall not be regulated by this Zoning Ordinance, as amended from time to time;
2. Fences in Agricultural Zoning Districts used for residential purposes shall be subject to the provisions of 15.1 of this CHAPTER;
3. For the purpose of all fence regulations, any yard having more than fifty (50) percent of its width bordering a dedicated and improved public right-of-way shall be considered a front yard;
4. All fences must be constructed of a suitable fencing material (i.e. chain link, boards, etc.) and must be maintained so as not to detract from surrounding residences.

Chapter 16 – SIGNS

Section A Prohibited Signs:

The Following signs shall be prohibited in all Zoning Districts, namely:

1. Signs which are illegal under the laws and regulations of the State of Indiana;
2. Signs which violate the provisions of the State of Indiana Building or Electrical Codes;
3. Signs which utilize exposed, strung electrical wiring;
4. Signs which interfere with, block, or in any manner obscure directional and official signs and notices, or resemble the same;
5. Signs which are illuminated in such a way as to cast unreasonable light or shadows upon neighboring properties or buildings;
6. Signs which are affixed to any tree or utility pole;
7. No On-Premise or Off-Premise signs in any Residential Zoning District advertising or identifying products or business in view of public are allowed other than what is permitted in Section 2;
8. Portable off-premise signs and portable on-premise signs;
9. Signs which display any flashing or intermittent lights, or lights changing intensity or color, except signs indicating time or weather conditions;
10. Signs which contain fluttering, rotating or other moving parts, whether operated by motor, electrical current or atmospheric forces; and
11. Signs which lie within the visual triangle of private drives or public thoroughfares.

Section B Signs: Residential or Agricultural Zoning Districts/Lots used for Residential Purposes:

1. The following regulations shall apply for signs in Residential or Agricultural Zoning Districts or on Lots used for Residential purposes.
2. No off-premise signs shall be permitted in any Residential Zoning District. On-premise signs advertising only the sale, rental, or lease of a building or land may be allowed as follows:
 - a. Such a sign shall be allowed;
 - b. Said sign shall be removed within fifteen (15) days after the building or land is no longer available for sale, rent or lease.

Section C Signs in Business or Industrial Districts:

The following regulations shall apply for signs in Business or Industrial Districts, namely:

1. Each building shall be entitled to signage based on a ratio of 1 square foot of signage to each 1 linear foot of frontage of the building up to a maximum of one (100') hundred square feet for the building. The allowed signage can be divided up between multiple occupants of the same building using the ratio of 1 square foot of signage for each 1 linear foot of each occupant's front portion of the building.
 - a. Height of signs shall conform to the height requirements of the Zoning District in which it is located;
 - b. Signs shall not obstruct vision for traffic entering or exiting adjacent roadways, any public right-of-way or exiting private drives;
 - c. Monument Signs/Pole Mounted Signs:
 - i. In the event that a building has a monument sign it shall be limited to a maximum size of sixty (60') square feet in area and six (6') feet in height.
 - ii. In the event that a building has a pole mounted sign it shall be limited to a maximum size of sixty (60') square feet in area, twenty-five (25') feet in height and must have a ground clearance of a minimum of eight (8') feet from the ground to the bottom of the sign.
 - d. Businesses, particularly shopping centers or businesses adjacent to each other may share the same sign structure, either on or off premise;
 - e. No portions of any sign which shall include permanent or temporary sign shall be placed within ten (10') feet of a right-of-way or any street or highway or located as to project into same;
 - f. No sign or temporary sign shall be attached to a tree or utility pole;
 - g. No signs or temporary signs shall be so illuminated that it impairs vision of any motor vehicle.
2. Off Premises Signs
 - a. Off-premise signs shall be allowed only in Community Business (B2), General Business (B3) and Light industrial (M1) zoning districts. The height of a sign shall conform to the height requirements of the Zoning District in which it is located:
 - i. B-2 30 feet
 - ii. B-3 30 feet
 - iii. M-1 30 feet

- b. A sign shall not obstruct vision for traffic entering or leaving adjacent roadways or any public right-of-way or exiting private drives.
3. Off-premise signs shall not exceed three hundred (300') square feet in area and shall be located subject to the following distance requirements as the case may be:
 - a. No closer than five hundred (500') feet of the Lake Shore of Cedar Lake at its high water mark;
 - b. No closer than six hundred (600') feet of a residential building or other such off-premise sign as measured by a radius of said distance around such sign, except that, if such a sign is proposed along a four (4) lane highway, then add six hundred (600') foot distance to be measured only in a lateral direction each way from the sign and parallel to said highway.
4. No portions of any sign which shall include permanent or temporary signs shall be placed within ten (10') feet of a right-of-way of any street or highway or located so as to project into same.
5. No sign or temporary sign shall be attached to a tree or utility pole.

Section D Non-Conforming Signs:

1. All permanent signs erected prior to the effective date of this Zoning Ordinance which are in conflict with the terms of this Zoning Ordinance, as amended from time to time, shall be considered legal non-conforming and as such, shall adhere to the regulations regarding legal non-conforming uses.
2. No non-conforming signs shall be moved on the same lot or to any other lot unless the moving will relocate the sign into a Zoning District and manner constituting compliance with this Chapter.
3. All portable signs, special event signs, and temporary signs erected prior to the effective date of this Zoning Ordinance which are in conflict with the terms herewith, shall be removed or placed in compliance within one hundred eighty (180) days after the adoption of this Zoning Ordinance, as amended from time to time.

Section E Permit Required:

No person or property owner shall erect, enlarge or display any sign requiring compliance with the provisions of this Zoning Ordinance, as amended from time to time, in the Town of Cedar Lake without first obtaining a Building Permit as required herein. Drawings and documentation shall be required to be provided by the applicant or property owner seeking to erect or display any sign in any Zoning District.

Section F Erection, Maintenance, and Repair:

1. Every sign, and all parts, portions, units, and materials comprising it together with the frame, background, supports, or anchorage thereof, shall be built in accordance with applicable building codes and requirements of the State of Indiana.

2. Every sign, including but not limited to those signs for which permits or for which no permits or permit fees are required, shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of the sign.
3. In the event the sign is not made to comply with applicable safety standards, the Building Commissioner or other duly designated representative of the Town of Cedar Lake, may require its removal in accordance with this SECTION.
4. All identification on the sign shall be removed within six (6) months in the event the business no longer exists.

Section G Temporary Signs:

In all zoning districts, unless otherwise specified, the following temporary signs are permitted, in accordance with the regulations set forth herein. Further, temporary signs shall not be placed upon public property, public easements, public utility poles, traffic poles or standards or other public structures or buildings. Temporary signs do not require sign permits or approval unless otherwise specified. A “temporary sign” is hereby defined as any display, informational sign, banner or other advertising device with or without a structural frame, not permanently attached to a building, structure, or ground and intended for a limited period of display.

1. **For sale and for rent or lease signs:** One (1) non-illuminated sign pertaining to the sale, rent or lease of the premises upon which it is placed, not exceeding six (6’) square feet in area, provided that said sign shall be removed within seven (7) days of the consummation of the sale, rent or lease or of the termination of the sale, rent or lease agents authority.
2. **Open house signs:** Not to exceed three (3) non-illuminated signs and six (6’) square feet in area each, may be placed during daylight hours on the day of the Real Estate Broker sponsored open house, to inform and direct the public to the location of the open house.
3. **Contractors Signs:** One (1) non-illuminated and non-portable sign, not exceeding sixteen (16’) square feet in area, bearing the street number of a new or remodeled structure and/or the names of the general contractor, owner or tenant may be placed on the premises during the construction work. Said sign shall be removed within seven (7) days after occupancy has been granted.
4. **Lot Signs:** One (1) non-illuminated and non-portable sign, not exceeding sixteen (16’) square feet, bearing the name of the owner, and the fact that the lot is for sale. Said sign shall be placed only on the lot it is advertising, and only until the lot is sold.
5. **Special event signs:** Excluding flashing, sign, announcing and/or promoting any education, charitable, philanthropic, civic or religious campaign drive, or event, may be placed upon the approval of the duly designated Town Building Official, on the premises where the event is to take place, not exceeding thirty-two (32’) square feet in area. Said signs may be located for a period

not to exceed thirty (30) days preceding the event and shall be removed within five (5) days after the event.

6. **Special event banners:** All weather banners, announcing and/or promoting any educational, charitable, philanthropic, civic or religious campaign drive movement or event, may be hung upon approval of the duly designated Town Representative. Said signs may be located for a period not to exceed thirty (30) days preceding the event and shall be removed within five (5) days after the event.
7. **Business activity banner:** All weather banners, announcing or promoting a business activity or product may be hung on premise for a period of forty (40) days in any business, industrial, and resort zoned business use lot. No more than four (4) banners shall be used in any twelve (12) month period. Banners shall not exceed forty (40') square feet in area. One (1) banner may be displayed at any given time.
8. **Public expression signs:** Signs expressing a social, or religious position are permitted subject to the following:
 - a. The content of said sign shall not contain lewd, obscene, profane, or libelous displays as defined by the United States Supreme Court;
 - b. The total square footage of public expression signs shall not exceed thirty-two (32') square feet in area, and shall not be located any closer than ten (10') feet from any property line;
 - c. The anchoring and structure of said sign shall be adequate to prevent the sign from becoming dangerous during high winds;
 - d. The face of said sign shall be properly maintained to avoid cracking, peeling, or fading to the point of being a blighting influence;
 - e. Said signs shall not contain neon, flashing lights, or be portable in nature. If illuminate, the power supply and transmission must satisfy Town electrical code;
 - f. Said sign may be located for a period not to exceed ninety (90) days;
 - g. A maximum of three (3) signs may be located on any residential lot.
9. **Subdivision Signs-On Premise:** A maximum of two (2), non-portable signs, not exceeding sixty-four (64') square feet each, bearing the name of the development, developers, and builders associated with said development. Said sign shall be placed no longer than twenty-four (24) months after granting final subdivision approval, or so long as some portion of the property remains unsold, whichever period is shorter. The duly designated Town Building Official shall have the power to grant reasonable extensions after the expiration of the twenty-four (24) month period. The signs must be located on within the development for which they advertise. In any subdivision larger than five (5) acres in size, one (1) additional sixty-four (64') square foot sign may be placed for each five (5) acre increment.
10. **Subdivision Signs-Off-Premise:** A maximum of two (2), non-illuminated and non-portable signs, not exceeding sixteen (16) square feet each, bearing the name of the development, developers, and builders associated with said development. Said signs shall be placed no longer than twenty-four (24) months after granting final subdivision approval, or so long as any platted lot of the

property remains unsold, whichever is shorter. The duly designated Town Building Official shall have the power to grant reasonable extensions after the expiration of the twenty-four (24) month period. The signs must be located on private property, a minimum of ten (10') feet from the front property line, and shall not obstruct traffic sight distance. In any subdivision larger than five (5) acres in size, one additional sixteen (16') square foot sign may be placed for each five (5) acre increment.

Chapter 17 – SITE PLAN

Site plan review shall be required in all Commercial and Industrial Zoning Districts in accordance with I.C., 36-7-4-1400 – 1406, inclusive, as outlined hereafter:

Section A Approval:

At any time a property owner seeks to apply for approval to begin new construction or to modify an existing structure such that it results in either an increase or decrease of total square footage of the structure of twenty-five percent (25%) or more in a geographic area zoned or to be zoned as B-1, B-2, B-3 or M1, the property owner/petitioner shall prepare a preliminary development plan for submission to the Plan Commission.

Section B Procedure to Initiate Review and Approval:

To initiate the procedure for review and approval of a preliminary site plan, the property owner/petitioner shall submit the proposed plan to the duly designated Town Official. The initial submission shall:

1. Be made on forms available at the office of the Planning and Building Department, and be submitted with the fee as set forth herein.
2. Be accompanied by one (1) copy of the proposed preliminary site plan on a 24" x 36" sheet accompanied by an electronic copy of the proposed preliminary site plan.
3. Be accompanied by documentation indicating proof of an ownership interest in the subject property, such as but not limited to, a deed, plat of survey, purchase contract, or a power of attorney, for review by the Town's attorney.

Section C Procedure for Review and Approval:

The procedure for review and approval of the preliminary site plan shall be as follows:

1. Petitioner shall schedule and attend a staff meeting. Petitioner shall submit a proposed preliminary site plan to the duly designated Town Official at least one-(1) week prior to the scheduled staff meeting. Subsequent to the staff meeting, petitioner shall attend a Plan Commission Work Study Session.
2. Subsequent to the Town Plan Commission Work Study Session, the petitioner shall then appear before the Plan Commission at an official public meeting. After confirming that all items of the initial submission are in order, the Plan Commission may place the proposal on the agenda of their next official public meeting. The Plan Commission may utilize and retain any additional engineers or consultants, as needed, in order to assist the Plan Commission in the performance of their duties.

Section D Preliminary Site Plan:

The preliminary site plan shall include both a map and written text and drawings in an electronic form containing the following information. The drawing format must be in either the current or previous version of the AutoDesk AutoCAD software. The submittal shall be provided to the Town in a standard form of magnetic or optical media that is readable by the Town information systems. Alternate drawing formats or means of submittal may be accepted upon prior approval from the Town.

1. Elevation and perspective drawing or model of proposed structures.
2. A development schedule indicating:
 - a. The approximate date for beginning construction.
 - b. If staged, the approximate date for beginning construction of each stage.
 - c. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the development and common space.
 - d. Plans and diagrams as required to fully explain the development proposal.
3. Petitioner shall designate each lot's intensity of use on the plan.
4. A detailed, written review of the following factors relevant to the development:
 - a. Availability and coordination of water, sanitary sewers, storm water drainage, and other utilities.
 - b. Management of vehicular and pedestrian traffic in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community.
 - c. Building setback lines.
 - d. Building coverage.
 - e. Building separation.
 - f. Parking.
 - g. Landscaping
 - h. Height, scale, materials, and style of improvements.
 - i. Signage
 - j. Outdoor lighting.
 - k. Noise.
5. The development factors specified in number 4a. above, concerning the availability and coordination of water, sanitary sewers, storm water drainage and other utilities shall be in full compliance with the Subdivision Control Ordinance and the Cedar Lake Book of Standards, as the same are amended from time to time.
6. The development factors specified in number 4b. above, concerning the management of vehicular and pedestrian traffic shall ensure the following:
 - a. That the design and location of proposed street and highway access points minimize safety hazards and congestion.
 - b. That the capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development.

- c. That the entrances, streets, and internal traffic circulation facilities in the development plan are compatible with existing and planned streets and adjacent developments.
- 7. The development factors specified in number 4c., d., e., f., g., h., and i. concerning building setback lines, building coverage, building separation, parking, landscaping, height and materials, and signage shall be in full compliance with the requirements set forth in the Zoning Ordinance, as may be amended from time to time. Additionally, with regard to 4(h), Knox boxes shall be required to be installed on businesses that are not occupied twenty-four (24) hours a day.
- 8. The development factors specified in 4j. above concerning outdoor lighting shall ensure that lighting shall be reflected downward and inward and shall be shielded to the extent that no light ascertainable to a standard light meter held one (1') foot above the ground at the property line shall exceed the levels as listed in the Outdoor Lighting regulations in Chapter 14.

Chapter 18 – NON-CONFORMING USES, STRUCTURES AND LOTS**Section A Continuation:**

Any lawful building or other structure, or any lawful use of a building or other structure or land, existing on the effective date of this Zoning Ordinance, which does not conform with the provisions of this Zoning Ordinance, shall be considered a lawful non-conforming building, structure or use, and may be continued, except as otherwise herein provided.

Section B Extension:

Any non-conforming building, use or lot may be maintained, except as otherwise provided in this CHAPTER.

Section C Repairs and Alterations:

Repairs and minor alterations may be made to a non-conforming building, structure, use or lot, provided that no enlargements shall be allowed for a change of use unless said change of use is permitted by this Zoning Ordinance, as amended from time to time.

Section D Additions, Enlargement or Moving:

1. A building, structure, use or lot non-conforming as to regulations for use or lot area per dwelling unit shall not be added to or enlarged in any manner unless such building, structure, use or lot, including any addition or enlargement, is made to conform to the use and/or area per dwelling regulations of the Zoning District in which it is located.
2. A building, structure, use or lot non-conforming as to height or yard regulations shall not be added to or enlarged in any manner unless such addition conforms with all other regulations of the Zoning District and does not further exceed those height and/or yard requirements responsible for the non-conforming status.
3. Wherever a non-conforming building, structure, use or lot has been changed to a conforming use, such conforming use shall not thereafter be changed to a non-conforming use.

Section E Restoration:

Any lawful non-conforming building or other structure which has been involuntarily damaged or destroyed by fire, explosion, windstorm, or other similar active cause, may be reconstructed in the same location, provided that:

1. The reconstructed building or structure shall not exceed the height, area, or volume of the damaged or destroyed building or structure, except as provided in Section D of this CHAPTER, herein: and;

2. Reconstruction shall begin within six (6) months from the date of damage or destruction and shall be carried on without interruption;
3. Must meet minimum setback requirements existing in the area.

Section F Abandonment:

1. If a lawful non-conforming use of a building or other structure is abandoned or discontinued for a continuous period of six (6) months or more, or if a lawful non-conforming use of land is abandoned or discontinued for a continuous period of six (6) months or more, subsequent use of such building or structure or land shall be in conformance with the provisions of this Zoning Ordinance, as amended from time to time.
2. Whenever a non-conforming use dependent on seasonal trade has been discontinued for a period of one (1) year, such use shall not thereafter be established and any future use shall not be in conformity with the provisions, of this Zoning Ordinance, as amended from time to time.

Section G Amortization of Non-conforming Uses:

The non-conforming use of land where no building is involved or any non-conforming billboard not attached to a building, or any advertising device lawfully existing immediately prior to the adoption of this Zoning Ordinance, shall be discontinued within three (3) years from the date of its passage.

Section H Lots Non-conforming as to Area and Width:

1. When authorized as a variance, a building may be erected or altered on any lot held in single and separate ownership on the effective date of this Zoning Ordinance which is not of the required minimum area or width or is if such unusual dimensions that the owner would have difficulty in providing the required open spaces for the Zoning District in which the lot is situated.
2. Where two (2) or more contiguous undeveloped lots are held in single ownership, within a subdivision which has been duly recorded prior to the effective date of this Zoning Ordinance, which lots are individually not of the required minimum area or width for the Zoning District in which they are situated, no variance of use shall be required for the issuance of building permits, provided that such lots shall be developed in groups or fractions thereof, as single lots, to provide the minimum lot frontage required for each structure.
3. Must meet minimum setback requirements existing in the area.

Section I Non-conformance due to Re-classifications:

The provisions of this CHAPTER shall also apply to buildings, structures, land or uses which hereafter become non-conforming due to any re-classification of Zoning Districts under this Zoning Ordinance, or any subsequent change in the regulations of this Zoning Ordinance, as amended from time to time, and

any time periods specified for discontinuance of non-conforming uses shall be measured from the date of such re-classification or change.

Section J Redevelopment of Existing Non-Conforming Structures:

The purpose of this Section is to allow a total reconstruction of a home without variances or penalties. The building must be used for single-family detached dwelling, and follow the regulations herein, namely:

1. **Height:** The maximum height shall not exceed the maximum height allowed in the zoning district that the property is located in, at the peak of the building. The height will be measured twelve(12") inches below top of foundation.
2. **Minimum lot area and width:** There shall be a minimum area of not less than five thousand (5,000') square feet, and a lot width of not less than fifty (50') feet at the building line of vacant lots.
3. **Front yard:** Each lot shall front on an improved street. The front yard setback will be determined by the footprint of existing and or adjacent houses. The minimum front yard setback shall be fifteen (15') feet.
4. **Side yard:** The side yard setback will be determined by the existing footprint and adjacent homes; the minimum side yard setback shall be five (5') feet. If the side yard is five (5') feet there will be no exits or obstructions allowed.
5. **Rear yard:** The rear yard setback will be determined by the existing footprint and adjacent homes for currently occupied lots ; the minimum rear yard setback shall be twenty-five (25') feet for lots that are vacant at the time that a building permit application is filed.
6. **Lot Coverage:** Not more than fifty (50%) percent of the lot shall be covered by buildings and or structures.
7. **Garage:** Each home shall include an attached garage of not less than two hundred sixty-four (264') square feet and shall include two (2) off street parking spaces; each space shall be a minimum of 10' x 22'.

Chapter 19 – ADMINISTRATION AND ENFORCEMENT

Section A Violations:

The Plan Commission, by the duly designated Town Representative, Building Commissioner, or other duly designated representative, and the Board of Zoning Appeals, shall have the duty to enforce the provisions of this Zoning Ordinance, as amended from time to time, in the manner and form and with the powers provided in the Laws of the State of Indiana, and in this or any other Ordinances of the Town of Cedar Lake, Lake County, Indiana. The Plan Commission, by the duly designated Town Representative, shall further ensure that all necessary approvals are provided by the Petitioner from all other regulatory agencies, (i.e., Indiana Department of Fire Prevention and Building Safety, State Fire Marshal, Federal, State, County & Town Highway Departments, etc.).

Section B Board of Zoning Appeals:

1. **Establishment and Membership:** A Board of Zoning Appeals is hereby established in accordance with Indiana Code §36-7-4-900 et. seq., as amended from time to time. The present members of the Town of Cedar Lake Board of Zoning Appeals are designated as members of the Board of Zoning Appeals created herein.
2. **Powers:** The Board of Zoning Appeals shall have all the powers provided in Indiana Code §36-7-4-900 et. seq., as amended from time to time. In the exercise of these powers, the Board of Zoning Appeals may impose such conditions as it may deem advisable in the furtherance of the purposes of this Zoning Ordinance, as amended from time to time.
3. **Rules of Procedure:**
 - a. The Board of Zoning Appeals shall adopt rules of procedure which may not conflict with the Zoning Ordinance concerning:
 - i. The filing of Appeals;
 - ii. The giving of notice;
 - iii. The conduct of hearings;
 - iv. The determination of whether a Variance application is for a Variance of use or a Variance from the development standards (such as height, bulk, or area).
 - b. The Board of Zoning Appeals may also adopt rules providing for:
 - i. The allocation of cases filed;
 - ii. The fixing of dates for hearings;
 - iii. The general conduct of the business of the Board of Zoning Appeals.
 - c. Prior to the determination of an Appeal or recommendation on a Permit for a Development Standards Variance or Variance of Use, the Board of Zoning Appeals shall fix a reasonable time for a hearing. Public notice shall be provided as required by the rules of the Board of Zoning Appeals.
4. **Meetings:** The meetings of the Board of Zoning Appeals shall be held at the call of the Chairman or at such times as the Board may determine. The Board of Zoning Appeals shall keep minutes of

its proceedings and record the vote on all actions taken. All minutes and records shall be filed in the Office of the Board and are public records. The Board of Zoning Appeals shall in all cases heard by it make written findings of fact.

5. **Appeals Jurisdiction:** The Board of Zoning Appeals shall hear and determine appeals from and review:
 - a. Any Order, Requirement, Decision or Determination made by an administrative official or staff member, under the Zoning Ordinance, as amended from time to time;
 - b. Any Order, Requirement, Decision or Determination made by an administrative board of other body, except the Plan Commission, in relation to the enforcement of the Zoning Ordinance, as amended from time to time.
6. **Variance of Use from Terms of Zoning Ordinance:** The Board of Zoning Appeals shall consider and hear all Requests and Petitions for Variances of Use from the terms of the Zoning Ordinance, as amended from time to time. The Board of Zoning Appeals and/or Town Council may impose reasonable conditions as part of its approval. A Variance of use hereunder may only be approved upon a specific determination in writing that:
 - a. The approval will not be injurious to the public health, safety, morals and general welfare of the community;
 - b. The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner;
 - c. The need for the Variance arises from some condition peculiar to the property involved;
 - d. The strict application of the terms of the Zoning Ordinance, as amended from time to time, will constitute an unnecessary hardship if applied to the property for which the Variance is sought; and
 - e. The approval does not interfere substantially with the Comprehensive Master Plan of the Town.
 - f. Pursuant to the requirements of Indiana Code §36-7-4-918.6, as amended from time to time, when the Board of Zoning Appeals considers a Petition for a Variance of Use, the Board shall, after public hearing, make one of the following recommendations: FAVORABLE, UNFAVORABLE, or NO RECOMMENDATION. This Recommendation shall then be filed with the Town Clerk-Treasurer. The Town Council shall give notice as required by Indiana Code §5-14-1.5-5, as amended from time to time of its intentions to consider the Petition for Variance of Use at its first regular meeting after the Board of Zoning Appeals files its Recommendation regarding the same. A Petition for Variance of Use is granted or denied when the Town Council votes on the Petition. The Town Council shall vote on a Petition for Variance of Use within (Amended 1-23-01 Ord. No. 787) ninety (90) days after the Board of Zoning Appeals makes its Recommendation. In the event the Town Council does not vote to deny Petition for Variance of Use within ninety (90) days after the Board of Zoning Appeals makes its Recommendation, then a Petition would be approved. In the event the Town Council approves a Petition for Variance of Use, the Town Council shall make its determination in writing, considering all the criteria for the determination described herein.

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7. **Variances from Development Standards of Zoning Ordinance:** The Board of Zoning Appeals shall approve or deny Variances from the development standards (such as height, bulk, or area) of the Zoning Ordinance, as amended from time to time. A Variance hereunder may only be approved upon a specific determination in writing that:
- a. The approval will not be injurious to the public health, safety, morals and general welfare of the community;
 - b. The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner; and
 - c. The strict application of the terms of the Zoning Ordinance, as amended from time to time, will result in practical difficulties in the use of the property.
8. **Procedure in Appeals for Variance:** Approval of any Variance, whether by the Board of Zoning Appeals or the Town Council, shall be made only upon the specific written determinations required in Section B items 6 and 7, together with the procedures and guidelines stated hereafter, namely:
- a. A non-conforming use of neighboring lands, buildings, or structures in the same Zoning District, and a permitted use of lands, buildings or structures in other Zoning Districts shall not be considered grounds for approval of a Variance. Any other Variance granted in the same general area shall not constitute grounds for approval of another similar Variance.
 - b. The Variance shall be the minimum Variance that will make possible a reasonable use of the land, building or structure, equivalent to, but not exceeding the use of, similar lands, buildings or structures permitted generally in the same Zoning District.
 - c. A date shall be set for a public hearing on the Variance not less than ten (10) days after the application for such is received and notice shall be given as required herein. A public hearing shall be held before action is taken on any Variance.
 - d. The Board of Zoning Appeals and/or Town Council shall determine whether each of the requirements have been met. In granting any Variance from Development Standards, and in recommending any Variance of Use, the Board of Zoning Appeals shall prescribe conditions and safeguards to assure conformity with the purposed of this Ordinance, as amended from time to time. In granting any Variance of Use, the Town Council shall prescribe conditions and safeguards to assure conformity with the purposes of the Zoning Ordinance, as amended from time to time. Violation of such conditions and safeguards, when made part of the terms under which a Variance is granted by the Board of Zoning Appeals and/or the Town Council, shall be deemed a violation of this Zoning Ordinance, as amended from time to time.
 - e. No Variance shall be granted which will permit a use not permitted in the pertinent Zoning District by this Zoning Ordinance, as amended from time to time. Any approved Variance shall become void if:
 - i. The Variance is not exercised within one (1) year after being granted;
 - ii. Any structure or characteristic of use permitted by Variance is moved, removed or discontinued.
 - f. A request for Variance may be initiated only by the property owners, and none other.

9. **Appeals to the Board:**

- a. An Appeals filed with the Board of Zoning Appeals must specify the grounds of the Appeals and must be filed within ten (10) days from the date of the action appealed from. In the event Appeal is not taken as specified herein, the right of appeal shall be terminated.
- b. The Administrative Official or other body from whom the Appeal is taken shall, on the request of the Board of Zoning Appeals, transmit all documents, plans and papers constituting the record of the action from which an Appeal was taken.
- c. Upon Appeal, the Board of Zoning Appeals may reverse, affirm or modify the Order, Determination, Requirement or Decision appealed from. For this purpose, the Board of Zoning Appeals has all the powers of the official, officer, board or body from which the Appeal is taken.
- d. The Board of Zoning Appeals shall make a decision on any matter that it is required to hear, as specified in this Section 2 of Chapter 18, either:
 - i. At the meeting at which that matter is first presented; or
 - ii. At the conclusion of the hearing on that matter, if it is continued.
- e. The Board of Zoning Appeals shall file in the Office of the Board, a copy of its decision within five (5) days after making any decision.

10. **Public Hearings:** Upon the filing with the Board of Zoning Appeals of an Appeal, or of an Application for a Development Standards Variance or a Variance of Use, a reasonable time and place for public hearing thereon shall be established and notice thereof shall be given as follows:

- a. Submit a completed legal advertisement notice form to one (1) newspaper of general daily circulation in the Town for one (1) publication in each newspaper at least ten (10) days prior to the scheduled public hearing date;
- b. Obtain a certified list of the adjacent property owners to the property involved in the application or appeal, and deliver by certified mail, return receipt requested a copy of the completed legal advertisement notice form to each adjacent property owner, as defined hereinafter. In the event an adjacent property owner owns more than one (1) parcel of property, as indicated on the certified list, then that adjacent property owner shall receive separate notices for each parcel owned, to be mailed separately, with proof of separate mailing required. Notification to the adjacent property owners must be made to each adjacent property owner at least ten (10) days prior to the date of the public hearing.
 - i. The legal notice shall state the name of the Petitioner and legal owner of the property. For example, in the event the property is held in a Trust; then the legal notice shall state the name of the bank and trust number. The legal notice shall also include the nature of the request, namely, variance of use, development standards variance, and the like.
 - ii. Property that adjoins, abuts, or in any manner lies next to a subject property, or is across any street from a subject property.
 - iii. Proof of publication of legal advertisement in the newspapers, as well as providing the certified list of adjoining property owners and proof of notice to the adjoining property owners must be submitted to the designated Town Official or Representative at least five (5) days prior to the public hearing.

11. **Appeal to Court:** Each decision of the Board of Zoning Appeals or the Town Council is subject to Judicial Review pursuant to the provisions of Indiana Code §36-7-4-1600 et seq.. Each person aggrieved by a decision of the Board of Zoning Appeals or Town Council may present to the Circuit of Superior Courts of Lake County, a Verified Petition setting forth that the decision is illegal in whole or in part, and specifying the grounds of the illegality. The aggrieved person shall file the Petition for Judicial Review with the Court within thirty (30) days after the date of the Zoning decision of the Board of Zoning Appeals or Town Council.

Section C Zoning and Building Permits:

1. No building or structure shall be erected, reconstructed, enlarged or moved until a Building Permit shall have been applied for in writing and issued by the designated Administrative Official. A fee, as determined from time to time, shall be paid when making application for a Building Permit. Said Permit shall be posted in a prominent place on the premises prior to and during the period of erection, reconstruction, enlargement or moving.
2. Before a Permit is issued for the erection, moving alteration, enlargement or occupancy of any buildings or structure or use of premises, the plan and intended use shall indicate conformity in all respects to the provisions of this Zoning Ordinance, as amended from time to time. In addition, where an unplatted tract of less than ten (10) acres is involved, said Permit shall not be issued until after review of the Plan Commission and finding by the Commission that:
 - a. There is adequate frontage on an improved roadway of adequate width;
 - b. State and County health requirements will be met.
 - c. Lot design requirements, as set out in the Subdivision Control Ordinance of Cedar Lake, Indiana, as amended from time to time, will be met;
 - d. There will be adequate means present to handle satisfactorily the storm water runoff from proposed improvements;
 - e. Continual circumvention by an individual property owner of the platting requirements of the Subdivision Control Ordinance, as amended from time to time, will not result.
3. Any Building Permit issued in accordance with this Zoning Ordinance, as amended from time to time, shall be valid for a period of one (1) year from the date of issuance. Said Building Permit shall be revoked and be rendered null and void, if substantial construction is not commenced within said one (1) year. Any structure or building not completed within one (1) year from issuance of said Building Permit shall necessitate a renewal of said Permit by action of the Plan Commission.
4. **Site Plan:** Every application for Zoning/Building Permit submitted to the Commission Secretary shall be accompanied by a site plan, drawn to scale, showing the lot and the building site and the location of existing buildings on the lot, together with locations, size and use of any land and all buildings not on the lot but within fifty (50') feet from the boundaries thereof, unless separated therefrom by a street together with such other information as may be necessary to the enforcement of this Zoning Ordinance, as amended from time to time.

5. As part of any petition, application or permit request submitted to the Department of Planning, Zoning and Building (i.e., zone changes, variance, building permit, etc.); a statement of intended use shall be provided to explain the purpose and intent of the petition/application/request.
6. **Interpretation of Zoning Ordinance:** In interpreting and applying the provisions of this Zoning Ordinance, as amended from time to time, such shall be held to be the minimum requirements for the promotion of health, safety, convenience or the general welfare. The lot or yard areas required by this Zoning Ordinance, as amended from time to time, for a particular building shall not be diminished and shall be included as part of the required lot or yard areas of any other building. The lot or yard areas of buildings existing at the time this Zoning Ordinance became effective shall not be diminished below the requirements herein provided for buildings hereafter erected and such required areas shall not be included as part of the required areas of any building hereafter erected.
7. **Completion of Existing Buildings:** Nothing in this Zoning Ordinance, as amended from time to time, shall require any change in the plans, construction or intended use of a building, the construction of which shall have been diligently prosecuted within six (6) months preceding the date of this Zoning Ordinance and, if such entire building shall be completed within two (2) years from the date this Zoning Ordinance became effective. Nothing herein shall prevent the reconstruction of a wall or the structural part of a building declared unsafe by the State Fire Marshal or the Administrative Building Council for the State of Indiana.
8. No Building Permit shall be issued unless the designated Town Building Official, or other duly designated Representative, certifies thereon that the Permit conforms with the provisions of this Zoning Ordinance, as amended from time to time, or that the applicant has been approved and granted a Variance from the Board of Zoning Appeals and/or Town Council. In the event that the Permit is denied, reasons for the denial shall be provided to the applicant in writing.

Section D Certificate of Occupancy:

1. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued therefore by the duly designated Town Administrative Official, or duly designated Representative, stating that the proposed use of the building or land conforms to the requirements of this Zoning Ordinance, as amended from time to time.
2. A Certificate of Occupancy shall be required for any of the Following:
 - a. Occupancy and use of a building hereafter erected or enlarged;
 - b. Change in the use of any existing building;
 - c. Occupancy and use of vacant land, except for the raising of crops;
 - d. Change in the use of land to a use of different classification, except for the raising of crops;
 - e. Any change in use of a non-conforming use. No such occupancy, use or change of use shall take place until a Certificate of Occupancy therefore shall have been issued.

3. Written application for a Certificate of Occupancy for a new building or for an existing building which has been enlarged shall be made at the same time as the application for the Zoning Permit for such building. No fee shall be charged for an original Certificate when applied for at the same time as an application for a Building Permit. For all other Certificates or copies of any original Certificate, there shall be a fee charged. Said Certificate shall be issued within a reasonable time after a written request for the same has been made to the Plan Commission after the reaction or enlargement of such building or part thereof has been completed in conformity with the provisions of this Zoning Ordinance, as amended from time to time.
4. Pending the issuance of such a Certificate, a Temporary Certificate of Occupancy may be issued by the duly designated Town Building Official or designated representative, for a period of not more than six (6) months during the completion of the construction of the building or of alterations which are required under the terms of any law or Ordinance, Such Temporary Certificate shall not be construed in any way to alter the respective rights, duties, or obligations of the owner or of the Town relating to the use of occupancy of the land or building, or any other matter covered by this Zoning Ordinance, as amended from time to time, and such Temporary Certificate shall not be issued except under such restrictions and provisions as will adequately ensure the safety of the occupants.
5. Written application for a Certificate of Occupancy for the use of vacant land, or for a change in the use of land or of a building, or for a change in a non-conforming use, as herein provided, shall be made to the Plan Commission.
6. If the proposed use is in conformity with the provisions of this Zoning Ordinance, as amended from time to time, the Certificate of Occupancy therefore shall be issued within five (5) days after the application for the same has been made. Each Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all provisions of this Zoning Ordinance, as amended from time to time.
7. A record of all Certificates of Occupancy shall be kept on file in the Town Hall Administrative Offices, and a copy shall be forwarded on request to any person having proprietary of tenancy interest in the building or land affected.
8. No permit for erection of any building shall be issued before application has been made for a Certificate of Occupancy.

Section E Enforcement:

1. All Town Departments, Officials and Public Employees which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Zoning Ordinance, as amended from time to time, and shall issue no Permit or License for any use, building or purpose, if the same would be in conflict with the provisions of this Zoning Ordinance, as amended from time to time.

2. Any Permit or License, issued in conflict with the provisions of this Zoning Ordinance, as amended from time to time, shall be null and void.

Section F Penalties:

1. Any person or corporation, whether as principal, agent, employee or otherwise, which violates any of the provisions of this Zoning Ordinance, as amended from time to time, shall be subject to penalty and fine of not less than Twenty-Five Dollars (\$25.00), and not more than Two Thousand Five Hundred Dollars (\$2,500.00) for each offense, such fine to inure to the Town. Each day of the existence of any violation shall be deemed a separate offense. The Town, and its Attorney, shall be entitled to recovery of payment of Attorney fees and Court Costs for the legal services incurred to enforce violations of this Town Zoning Ordinance, as amended hereafter.
2. The erection, construction, enlargement, conversion, moving or maintenance of any building or structure and the use of any land or building which is continued, operated or maintained, contrary to any of the provisions of this Zoning Ordinance, as amended from time to time, is hereby declared to be a violation of this Zoning Ordinance and unlawful. The Town Attorney shall, immediately upon any such violation having been called to his/her attention, institute injunction, abatement, or any other appropriate action to prevent, enjoin, abate or remove such violation. Such action may be instituted by any property owner also who may be especially damaged by any violation of this Zoning Ordinance, as amended from time to time. The remedy provided for herein shall be cumulative and not exclusive and shall not be in addition to any other remedies provided by law.

Chapter 20 – FEES

Section A Incorporation by Reference:

The Permit Fee Schedules in Town Ordinance No. 1270, adopted by the Town Council of the Town of Cedar Lake, Lake County, Indiana, on August 1, 2017, and amended from time to time, is hereby incorporated by reference.

Section B Zoning and Building Fees:

The Town Administrative Staff shall charge and collect the appropriate fees for services provided in accordance with the Fee Ordinance in effect at the time of any application.

Chapter 21 – DEFINITIONS

Section A Application and Interpretation:

1. For the purpose of these regulations, certain numbers, abbreviations, terms, words, and phrases used herein shall be used, interpreted and defined as set forth in this CHAPTER.
2. All general provisions, terms, phrases and expressions contained in this Zoning Ordinance, as amended from time to time, shall be liberally construed in order that the true intent and meaning may be fully carried out.
3. In the construction of this Zoning Ordinance, as amended from time to time, the rules and definitions set out in this CHAPTER shall be observed, unless such construction would be inconsistent with the manifest intent of the Zoning Ordinance. The rules of construction and definitions set out herein shall not be applied to any CHAPTER or Section of this Zoning Ordinance which shall contain any express provisions excluding such construction, or where the subject matter or context of such section may be repugnant thereto. Unless otherwise specified herein, all distances shall be measured horizontally, in any direction.
4. Whenever any words and phrases used herein are not defined herein, but are defined in the State of Indiana Statutory provisions regulating the creation and function of various planning agencies, any such definition shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.
5. In the interpretation and application of any provisions, rules and definitions of this Zoning Ordinance, as amended from time to time, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provisions of the Zoning Ordinance, as amended from time to time, imposes greater restrictions upon the subject matter than another more general provision imposed by the Zoning Ordinance, the provision imposing the greater restriction or regulation shall be deemed to be controlling.
6. For the purpose of these regulations, certain words and phrases used herein shall be interpreted as follows:
 - a. The word or term “person” includes an individual, firm association, organization, partnership, trust, company, corporation or any other legal entity.
 - b. The masculine includes the feminine.
 - c. The present tense includes the past and future tense, and the singular number includes the plural.
 - d. The word or term “shall” is a mandatory requirement.
 - e. The word or term “may” is a permissive requirement.
 - f. The word or term “should” is a preferred requirement.
 - g. The words “used” or “occupied” shall be construed to include the words “intended, arranged, or designed to be used or occupied”.

- h. The word or term “lot” includes the words “plot”, “parcel”, and “tract”.

Section B Definitions:

Abut: Abut shall mean having a common property line or zoning district line.

Accessory Building or Structure: An accessory building or structure is a subordinate building or structure, including garages, or a part thereof, or a portion of a main building, the use of which is in keeping with, and incidental to that of the main building. An accessory building shall clearly be located on the lot of the main building, and shall not be used for habitation. An accessory building or structure includes:

- A. Domestic or agricultural storage in a barn, shed, tool room, or similar building or other structure;
- B. Accessory radio or television towers; and
- C. Accessory satellite dish.

Where a substantial part of the wall of an accessory building is a part of the wall of the main building or where an accessory building is attached to the main building in a substantial manner as by a roof, such accessory building shall be counted as a part of the main building for the purpose of determining square footage.

When “accessory” is used herein, it shall have the same meaning as accessory use.

Accessory Use: An accessory use is a use which:

- A. Is conducted on the same zoning lot as the principal use to which it is related, whether located within the same or an accessory building or other structure, or as an accessory use of land, except that, where specifically provided in the applicable zoning district regulations, accessory off-street parking or loading need not be located on the same zoning lot; and
- B. Is a use which is clearly incidental to, and customarily found in connection with, such principal use; and
- C. Is either in the same ownership as such principal use, or is operated and maintained on the same zoning lot substantially for the benefit or convenience of the owners, occupants, employees, customers or visitors of the principal use.

Acreage: Any tract or parcel of land having an area of one (1) acre or more which has not been subdivided or platted.

Adjacent: Property that adjoins, abuts, or in any manner lies next to a subject property, or is across any street from a subject property

Adjoining: Touching or contiguous, as distinguished from lying near or adjacent.

ADT: Means average daily traffic.

Adult Entertainment: A business or enterprise that offers or presents performances or activities, or reproductions of performances or activities by individuals, or conduct between male and female persons and/or persons of the same sex when one or more of the person are nude or seminude. Seminude is a state of dress in which clothing covers no more than the genitals, pubic region, cleft of the buttocks and the areola of the female breast such that it is less than completely covered and/or opaquely covered.

Agriculture: The use of land for farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce, provided, however, that:

- A. The operation of any such accessory uses shall be secondary to that of normal agricultural activity;
- B. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within one thousand (1,000) feet of any residential zoning district; and;
- C. Agriculture does not include the operation or maintenance of a commercial stockyard or feedlot.

- D. Agriculture does not include chemical storage or manufacturing associated with Agriculture.
- E. Agricultural implements, automobile or trailer sales are permitted-provided that any display or storage are shall be developed as required in this Zoning Ordinance, and that any incidental repair of implements, automobiles or trailers shall be conducted and confined wholly within a building where the mechanical power employed in the operation of any machine or tool does not exceed twelve (12) horsepower.

Alley: A permanent service right-of-way providing secondary means of access to abutting lands.

Alteration: A change in size, shape, occupancy or use of a building or structure.

Amusement Establishment, Indoor: An indoor entertainment establishment including bowling alleys, pool halls, dancing halls, gymnasium, swimming pools, skating rinks, and other similar uses.

Amusement Establishment, Outdoor: An outdoor entertainment establishment including golf driving range, miniature golf courses, golf courses, go-kart courses, batting cages, water slides, amusement parks, theme parks, music arenas, theaters, and other similar places of amusement.

Animal Hospital: A lot, building, structure, enclosure or premises whereon or wherein three (3) or more dogs, cats, and other domestic animals are kept or maintained, and which is operated by, or the treatment therein is under the direct supervision of, a veterinarian licensed to practice by the State of Indiana.

Antique Store: A completely enclosed store that sells antiques, which are collectible objects such as a piece of furniture, jewelry, coins or work of art, that may have high value because of its considerable age, yet value may vary depending on the source, product, and year.

Apartment: A room or group of rooms in a multiple family dwelling intended to be and designed for use as residence by a single family.

Apartment House: A building designed for and occupied exclusively for three (3) or more families, living independent of one another.

Appliance Repair: Repair of appliances and small equipment, provided that any incidental repair shall be conducted and confined wholly within a building, where the mechanical power employed in the operation of any machine or tool does not exceed three (3) horsepower and where the total mechanical power provided or employed does not exceed twelve (12) horsepower.

Art Gallery: A room or structure in which original works of art or limited editions of original art are bought, sold, loaned, appraised or exhibited to the general public.

Automobile Painting: An establishment where primer and paint are used to finish a motor vehicle.

Automobile Parking Lot: A parking lot where a dealer displays new and used cars for sale.

Automobile Repair Station: A place where the following services are carried out:

- A. General repair;
- B. Engine rebuilding;
- C. Rebuilding or reconditioning of motor vehicles;
- D. Collision service, such as body, frame or fender straightening and repair, painting and undercoating of automobiles;
- E. Accessory service, such as oil/lubrications, transmission repair, muffler service and the like.
- F. Public parking and open lot sales are prohibited in an automobile repair station.

Automobile Sales: Sales of new and used automobiles, but without a body repair shop. Retail establishment that sells new automobiles, trucks, vans, recreational vehicles, trailers, motorcycles, or similar motorized transportation vehicles. The dealership may maintain an inventory of the vehicles on-site and may provide parts, service, minor repair and maintenance. Used vehicles may be sold only as part of an establishment that sells new vehicles, not as a stand-alone establishment exclusively selling used vehicles.

Automobiles Sales with Body Work: (Body & Fender Shop) Retail establishment that sells new and used automobiles, trucks, vans, or similar motorized transportation vehicles including body work. Body work includes the act or process of repairing or replacing the metal or plastic external structure of the bodies of motor vehicles and painting.

Automobile Service Center: An establishment in which the retail sale of accessories and services for automobiles are provided as the primary use, including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including the space for facilities for major storage, repair, dumping, painting, refinishing and sale of fuels. Public parking and open lot sales are prohibited in an automobile service center.

Automobile Service Station: A place where gasoline, diesel fuel, or any other automobile engine fuel, kerosene or motor oil, and lubricants or grease for the operation of automobiles are retailed directly to the public on the premises as the predominant activity of the business, including the sale of minor accessories and services for automobiles. Public parking and open lot sales are prohibited at an automobile service station. Equipment of the automobile service station including pumps, light stands, air towers, water outlets or similar installations, may be placed within the required front yard, but no closer to the curb line than fifteen (15) feet.

Automobile Wash: A building or portion of a building containing facilities for washing one or more automobiles at any one time, by using production line methods, mechanical devices, or by providing space, water, soap and equipment for the cleaning of automobiles by the operator or the customer. Automatic or self-service facilities shall provide stacking capacity of five (5) cars for each wash bay within the facility.

Bakeries: A place where bread, cakes, cookies, and confectionaries are prepared and sold.

Banks: Professional office where currency is exchanged, deposited, withdrawn and invested.

Barber Shop/Beauty Parlor: An establishment where hair cutting and dressing, facial and manicure services are provided. Also includes beauty salons and nail salons.

Basement: A portion of a building having at least one-half (1/2) of its floor to clear ceiling height below grade. When a basement is used only for mechanical equipment, storage, garage space for use of occupants of the building, it shall not be counted as a story.

Bed and Breakfast: An owner-occupied dwelling containing, in addition to living accommodations for resident operator, one to four (1-4) individual sleeping rooms without cooking facilities for the purpose of providing overnight accommodations and breakfast to overnight patrons for compensation.

Berm: A man-made earthen mound of definite height and width used for obscuring purposes, generally constructed at a three-to-one slope.

Bicycle Store: An establishment where bicycles are repaired, rented or sold. A bicycle is a vehicle composed of two wheels held in a frame one behind the other, propelled by pedals and steered with handlebars attached to the front wheel.

Block: A block is a tract of land bounded by:

- A. Street or alley;
- B. Public park or cemetery;
- C. Railroad rights-of-way, whether located at or above ground level, but not including sidings or spurs in the same ownership as the zoning lot;
- D. Waterways and shorelines; or
- E. Corporate boundary lines of the Town of Cedar Lake.

Blueprinting and Photocopying Establishments: A completely enclosed building where a copy or reproduction of documents or technical drawings, documenting architecture or engineering design, are printed and or copied to paper or digital file.

Board of Zoning Appeals (BZA): The Board of Zoning Appeals of the Town of Cedar Lake, Lake County, Indiana.

Boarding or Rooming House: A building originally designed for and used a single or two-family dwelling, all or a portion of which contains lodging rooms which accommodate persons who are not members of the keeper's family. Lodging, or meals, or both, are provided for compensation for two (2) or more, but no more than ten (10) persons. This accommodation shall not be available to transients.

Book or Stationery Stores: A completely enclosed building which sells books, writing material, pens, pencils and envelope to customers.

Brewery: A building or establishment for brewing of beer or other malt liquors.

Buffer Area: A strip of land in a non-residential district at the point where the non-residential district touches a residential district. Yard requirements may be included in the buffer area requirements.

Buffer Strip: (See **Green Strip** in this Section)

Building: A structure having a roof supported by columns or walls designed or intended for shelter, support or enclosure of persons, animals, chattels or property of any kind, and is permanently affixed to the land. When any portion thereof is completely separated from every other portion thereof by a division wall (party wall) without openings, then each such portion shall be deemed to be a separate building.

Building Accessory: (See **Accessory Building** in this section)

Building Attached: A building which has a party wall in common with an adjacent building.

Building Completely Enclosed: A building separated on all sides from the adjacent open space, or from other buildings or structures, by a permanent roof and by exterior walls, pierced only by windows and normal entrance and exit doors.

Building, Detached: A building that has no structural connection with another building (i.e. no party wall in common with another building).

Building, Height of: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

Building Line: A line parallel to the right-of-way line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located. This line establishes the minimum open space to be provided between the front line of buildings and the right-of-way line. (Also, see **Building Setback Line** in this Section)

Building, Lowest Elevation of Entrance: The lowest elevation of the access to the structure that will admit flowing water. By way of illustration and not limitation, the following examples are: door threshold, window sill, garage floor at entrance, walkout basement door entrance threshold, and basement window opening.

Building Materials Sales: (with accessory enclosed or fenced storage) A building, or portion of a building, in which the principle use is the selling of lumber or other associated building materials and supplies in bulk to contractors and the general public.

Building Material Sales Yard: A business on a tract of land that sells lumber, masonry units, rock, sand gravel, and associated supplies in bulk to contractors and the general public. Concrete mixing is excluded.

Building, Non-conforming: A legally existing building which fails to comply with the provisions set forth in this Zoning Ordinance applicable to the zoning district in which the same is located.

Building, Principal: A non-accessory building in which the principal use of the lot is conducted.

Building, Setback Line: The line beyond which a building shall not extend unless varied according to procedures established by this Zoning Ordinance. The line is also called a “building Line”. (See **Building Line** in this Section.)

Building, Temporary: Any building not designed to be permanently located at the place where it is, or where it is intended to be temporally placed or fixed

Campground: Any lot, parcel or tract of land designed for occupancy by two (2) or more camp sites including cabins or tents. Recreational vehicles shall not be permitted.

Canopy: A roof like structure which projects from the wall of a building and overhangs into a public way.

Capacity in Persons: The maximum number of persons that can avail themselves of the services or goods of an establishment or use at any one time, with reasonable comfort and safety.

Carport: A partially enclosed shelter or structure for housing vehicles. Such structure attached to the principal building shall comply with all applicable yard requirements. A stand-alone carport structure shall be considered an Accessory Structure and comply with all applicable provisions.

Car Wash: See Automobile Wash in this Section.

Catering Establishment: An establishment that provides meals and/or refreshments for public or private entertainment for a fee.

Cemetery: An area set apart for or containing graves, tombs, or funeral urns, especially one that is not a churchyard; burial ground; graveyard.

Certificate of Occupancy: A certification issued by the duly designated Town Official in accordance with the provisions of this Zoning Ordinance stating that said occupancy and land use is in accordance with all applicable provisions of the Zoning Ordinance.

Certificate of Zoning Compliance: A certification issued by the duly designated Town Official in accordance with the provisions of this Zoning Ordinance prior to the initial occupancy, re-occupancy after a six (6) month’s vacancy, change in use of a building or structure, or change in use of land, stating that said occupancy, re-occupancy, or change in use is in accordance with all applicable provisions of the Zoning Ordinance.

Channel: (NOTE – Watercourse, as defined in Ord. 1235A) A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

Characteristics of Use: The use which is characteristic of the principal use of any area of land, a building or structure.

Church, Temple or Mosque: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which buildings, together with its accessory buildings and uses is maintained and controlled by a religious body organized to sustain public worship.

Clinic: A facility with at least two (2) certified and licensed physicians or dentists, used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons, and those who are in need of medical, dental and surgical attention, but which facility does not provide board, room or regular hospital care and services.

Closed Cup Flash Point: The lowest temperature at which a combustible liquid, under prescribed conditions, will give off a flammable vapor which will burn momentarily.

Clothing Store: A completely enclosed building that sells clothing and wearable accessories to customers for a fee.

Club: A building or portion thereof, or premises owned or operated by a person for social, literary, political, educational, or recreational purposes, primarily for the exclusive use of members and their guests, but not including any organization, group or association, the principal activity or which is to render a service usually and ordinarily carried on as a business.

Club or Lodge, Private: An association of persons, who are bonafide members, paying dues, which owns or leases a building, the use of which shall be restricted to members and their guests.

Commission: The Plan Commission of the Town of Cedar Lake, Lake County, Indiana.

Common Open Space: An area within any development designed and intended for the use or enjoyment of all residents of the development, or for the use and enjoyment of the public in general.

Community Center: A public building including one (1) or more of the following facilities: meeting and recreation rooms, dining rooms and kitchen facilities, and family day care centers, all for the common use of residents and their guests.

Comprehensive (Master Plan): A Development Plan, or any portion thereof, recommended by the Plan Commission, and adopted by the Legislative Body of the Town of Cedar Lake, Lake County, Indiana.

Computer Sales & Service: A completely enclosed building that sells and services computers and computer parts for the general public, including but not limited to monitors, computer screens, typewriters, adding machines and calculators.

Condominium: Real estate lawfully subjected to the terms and provisions of the State of Indiana Statutory Horizontal Property Law, as amended from time to time. Real estate is not a condominium under the State of Indiana Horizontal Property Law unless the undivided interests in the common areas and facilities are vested in the condominium unit owners.

Condominium Unit: An enclosed space consisting of one or more rooms, occupying all or part of a floor or floors in a structure of one (1) or more floors or stories, regardless of whether it be designed for residence, for office, for the operation of any industry or business, or for any other type of independent use, with either direct access to a public street or highway, or an exit to a thoroughfare or to a given common space leading to a thoroughfare, together with the undivided interest in the common elements appertaining to that unit of space.

Conforming Building or Structure: A building or structure which:

1. Complies with all of the regulations of this Zoning Ordinance or of any amendment thereto governing bulk of the zoning district in which said building or structure is located; or
2. Is designed or intended for a permitted or variance of use as allowed in the zoning district in which it is located.

Construction: The placing of construction materials, including landfill, in permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition or removal shall be deemed construction.

Construction Office: A lot or portion of a development area used on a temporary basis during the construction, inspection and acceptance phases of a development project. Uses generally include office and tool trailers, equipment and material storage, and stockpiling of fill material.

Contractor Storage Yard: A tract of land used as permanent or temporary storage of large equipment, vehicles, or other materials commonly used in the contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as offices and repair facilities.

Contiguous: Abutting adjoining properties.

Convalescent or Nursing Home: (See Nursing Home in this section).

Corner Lot: (See **Lot, Corner** in this section)

County: Lake County, Indiana

Court: An open, unoccupied space on the same lot with a building or group of buildings and bounded on three (3) or more sides by such building or buildings. The width of any court is its least horizontal dimension measured between opposite walls. The length of any court is its greatest horizontal dimension measured at right angles to its width.

Court, Inner: Any court other than an outer court.

Court, Outer: A court which opens on any yard on the lot or which extends to any street right-of-way line of the lot.

Cul-de-sac: (See **Street, Cul-de-sac** in this section)

Curb Cut: Lowering the grade level to allow motorized vehicular ingress to and egress from property.

Curb Line: A line located on either edge of the roadway, but within the right-of-way line.

Day Care Center: Any institution licensed under the laws of the State of Indiana and operated for the purpose of providing:

1. Care;
2. Maintenance; or
3. Supervision and instruction;

To children who are less than six (6) years old and are separated from their parent, guardian or custodian for more than four (4) hours but less than twenty-four (24) hours a day for ten (10) or more consecutive workdays. The term does not include public or private school programs for children age three (3) and older, or day care ministries.

Day Care Home: A residential structure licensed under the laws of the State of Indiana where an individual provides child care:

1. For compensation;
2. For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays; and
3. To more than five (5) children at a time who;
 - a. Are less than eleven (11) years of age; and
 - b. Are not attended by:
 - i. A parent;
 - ii. A stepparent;
 - iii. A guardian;
 - iv. A custodian; or
 - v. A relative who is at least eighteen (18) years of age.

The term does not include a day care center.

Day Care Ministry: Day care provided as an extension of a church or religious ministry that is a religious organization exempt from federal income taxation under the provisions of the Internal Revenue Code.

Decibel: A unit of measurement of the intensity (loudness) of sound. Sound level meters, which are employed to measure the intensity of sound, are calibrated in “decibels”.

Density: A unit of measurement; the number of dwelling units per acre of land.

Department of Natural Resources (DNR): The State of Indiana Department of Natural Resources.

Department Store: A large retail store carrying a wide variety of merchandise and organized into various departments for sales and administrative purposes.

Depth of Lot: (See **Lot, Depth** in this section)

Depth of Yard: (See **Yard, Depth** in this section)

Development: The construction of new buildings or other structures on zoning lots, the relocation of existing buildings on another zoning lot, or the use of open land for a new use.

District (Zoning District): A section of the Town of Cedar Lake for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open spaces about buildings, are established hereby this Zoning Ordinance.

Drive-in Establishment: A business establishment so developed that its retail or service character is dependent upon providing a driveway approach or parking space for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure, and to provide self-service for patrons.

Drive-In Restaurant: A restaurant so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle or to permit patrons to eat while in the motor vehicle, as well as within a building or structure, or primarily to provide self-service for patrons and food carryout.

Drive-up Service Window(s): Such use shall be permitted incidental to the permitted uses described in this Section; provided that such will not create problems of traffic control, ingress, egress and the general public safety, such use shall be made only upon specific application to and approval of the Plan Commission and any costs involving professional services for engineering and traffic studies shall be the responsibility of the person or party desiring such incidental use.

Driveway: A private road which provides access to a lot or to a use located on such lot, from a public way.

Drug Store: A retail store where medicines and miscellaneous articles (as food, cosmetics, and film) are sold – called also a pharmacy.

Dry cleaning: A retail establishment or pick-up station, dealing directly with consumers for the cleaning and pressing of clothing, bedding and draperies. Central dry cleaning plants serving more than one (1) retail outlet shall be prohibited.

Dwelling: A building or portion thereof designed or used exclusively for residential occupancy purposes, including single-family, two-family and multiple-family dwellings, but not including hotels, lodging rooms or boarding houses, or tourist homes.

Dwelling, Attached: A dwelling joined to two (2) other dwellings by party walls, or vertical cavity walls, and above ground physically unifying horizontal structural elements.

Dwelling Detached: A dwelling which is surrounded on all sides by open space on the same lot.

Dwelling, Semi-detached: A dwelling joined to one other dwelling by a party wall or vertical cavity wall, and above ground physically unifying horizontal structural elements.

Dwelling, Town House or Row House: A dwelling which is part of a row of dwellings which are joined together with a party wall or vertical cavity wall and above ground physically unifying horizontal structural elements each having front and rear yards and entrances.

Dwelling Unit: One (1) or more rooms in a residential building or residential portion of a building, which are arranged, designed, used, or intended for use by one (1) or more persons living together and maintaining a common household, and which include all of the requirements pursuant to law for occupancy thereof.

Dwelling Unit, Single Family: A building on a lot designed and occupied exclusively as a residence for one (1) family.

Dwelling Unit, Two-Family: A building on a lot designed and occupied exclusively as a residence for two (2) families, living independently of one another.

Dwelling Unit, Multiple Family: A building on a lot designed and used exclusively as a residence by three (3) or more families, living independently of one another.

Dump: Land, or a part thereof, used primarily for the disposal by abandonment, dumping, burial, burning, or any other means, and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

Duplex: A building designed and used exclusively for residential purposes and containing two (2) dwelling units separated by a common party wall or otherwise structurally attached.

Easement: A right for one person or more persons to use the land owned by another person for a special purpose by grant or necessary implication.

Educational Institution: Pre-primary, primary, or grade, public, parochial, or private school, high school, preparatory school or academy, either public or founded, owned and conducted by or under the sponsorship of a religious or charitable organizations; private preparatory school or academy furnishing courses of instruction substantially equivalent to the courses offered by public high school or preparation of admission to a college or university, either public or founded, owned and conducted by or under the sponsorship of a religious or charitable organization; or private when not conducted as a commercial enterprise for the profit of individual owners or stockholders. This definition shall not be deemed to include trade or business schools as defined in this section.

Employment Agency: An agency that helps find jobs for persons seeking employment or assists employers in finding persons to fill open employment positions.

Engineer: The person or firm duly appointed and designated as the Engineer of the Town of Cedar Lake, Lake County, Indiana.

Enlargement: An addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. To “enlarge” is to make an enlargement.

Entertainment: Dancing to music provided either by mechanical means or by live musicians; live performances by musicians and other live presentations by individuals from the performing arts, excluding adult entertainment.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission, or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

Excavation: Any breaking of ground, except common household gardening and lawn care.

Extermination Shop: Establishment providing services to eradicate insects and remove pests, rodents and other vermin.

Family: Any number of individuals related by blood or by marriage, or a group of individuals not related by blood or by marriage, but not exceeding four (4) in number living together on the premises in a dwelling unit.

Farm: Any tract of land used for the raising or agricultural products, forest products, livestock or poultry, and including facilities for the sale of such products from the premises where produced.

Farm Equipment Sales and Storage: Storage of large agricultural equipment, vehicles, or other materials for sale or repair; storage of scrap materials used for repair and maintenance of such equipment; and buildings or structures for used as offices and repair facilities.

Feeder Street: (See **Street, Feeder** in this Section)

Fence: A structure partially or completely surrounding a part of or the whole of a zoning lot which prevents intrusion from without and straying from within the area controlled, but not including a hedge or other natural growth.

Filling Station: (See Automobile Service Station in this Section)

Fireworks Sales: All or part of a building, or an enclosure erected for a period of thirty (30) days or more used for the sales, at retail or wholesale, of legal fireworks of any kind.

Flea Market, Swap Meet, Farmers Market: A place for commercial sale of merchandise that is located in an enclosed, semi-enclosed or outdoor stalls, stand, tables or spaces rented or leased to persons on a daily or weekly basis for the purpose of the display and sale, exchange or barter of new or used merchandise or fresh produce.

Flood or Flooding (Floodwater): A general and temporary condition of partial or complete inundation or normally dry land area, the unusual and rapid accumulation, of the runoff of surface waters from and source.

Floodway: The channel of a river or stream in those portions of the flood plain adjoining the channel, which are reasonably required to efficiently carry and discharge the peak flood flow of any river or stream.

Floodway Fringe: That portion of a flood hazard area outside the limits of the floodway.

Flood Hazard Area: Any floodplain, floodway, floodway fringe district, or any combination thereof as designated on the latest edition of the official community map of the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA).

Floodplain: The channel proper and the area adjoining any wetland, lake, or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both floodway and floodway fringe.

Flood Protection Grade: The elevation of the lowest floor of a building or structure. If a basement is included, the basement floor is considered the lowest floor. **EXCEPTION:** If a commercial or industrial building is flood-proofed as hereinafter defined, the term “flood protection grade” applies to the water surface elevation for which the building is protected.

Flood Protection Grade means:

1. The elevation of the lowest point around the perimeter of the building at which flood waters may enter the interior of the building; or
2. The elevation of the lowest floor of a building or structure. If a basement is included, the basement floor is considered the lowest floor.

Flood-Proofed Building: A commercial or industrial building designed to exclude floodwaters from the interior of that building. All such flood-proofing shall be adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regulatory flood. A reference to be consulted when designing flood-proofed buildings to meet the above standards can be found in Section 210.2.1 FPI or 210.2.2 FP2 of the U.S. Army Corps of Engineers publication entitled “Flood-Proofing Regulations”, June, 1972, edition, or any subsequent edition or amendments thereto.

Floor Area: The sum of the gross horizontal areas of the several floors, including also the basement floor of a building, measured from the exterior faces of the exterior walls, or from the center lines of walls separating two (2) buildings.

The “floor area” of a building shall include: basement floor area when more than one-half (1/2) of the basement height is above the established curb level, or above the finished lot grade level where curb level has not been established; elevator shafts and stairwells at each floor; floor space uses for mechanical equipment-open or enclosed-located on the roof; penthouse; attic space having headroom of seven feet ten inches (7’10”) or more; interior balconies and mezzanines, and enclosed porches, and floor area

devoted to accessory uses. However, any space devoted to off-street parking or loading shall not be included in “floor area”.

The floor area of structures used for bulk storage of materials, such as grain elevators and petroleum tanks shall also be included in the floor area and such floor area shall be determined on the basis of the height of such structures with one floor for each ten (10') feet of structure height, and if such structure measures less than ten (10') feet but not less than five (5') feet over such floor height interval, it shall be construed to have an additional floor. The horizontal area in each floor of a building devoted to off-street parking and off-street loading facilities and the horizontal area of a cellar floor shall not be included in the floor area.

Floor Area, Net: The floor area of the specified use, excluding, stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms, and food prep areas in a non-residential building. The net area is used in calculating parking requirements.

Floor Area Ratio (F.A.R.): The floor area of the building or buildings on that zoning lot divided by the area of such zoning lot.

Florist or Gift Shop: A florist/Gift shop is a store selling flowers and floral arrangements such as bouquets, usually along with small gifts sold as tokens of love, affection, friendship, or condolence.

Food Processing: The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, etc.

Foot-Lambert: A unit of brightness, usually of a reflecting surface. A diffusion surface of a uniform brightness reflecting or emitting an equivalent of the light from one candle at one-foot distant over one (1) square foot has a brightness of one (1) foot-lambert.

Foot-Candle: A unit of illumination, equivalent to the illumination of all points which are one (1) foot distant from a uniform point source of one (1) candle power.

Freeburning: A rate of combustion described by a material which burns actively, and easily supports combustion.

Freight Terminal: A building or area in which freight brought by motor truck or railroad freight cars is assembled or stored for routing in intra-state or inter-state shipment by motor trucks or railroad freight cars.

Frequency: The number of oscillations per second in a sound wave, measuring the pitch of the resulting sound.

Front Lot Line: (See **Lot Line**, Front in this Section)

Front Yard: (See **Yard, Front** in this Section)

Frontage: The contact distance of abutting property with a street which affords unobstructed access to the property.

Funeral Home: A funeral home, funeral parlor or mortuary, is a business that provides interment and funeral services for the dead and their families. These services may include a prepared wake and funeral, and the provision of a chapel for the funeral. A crematorium may be included.

Garage, Parking: A building, except those defined herein as private garages, used exclusively for the parking of self-propelled vehicles.

Garage, Private: A detached accessory building or portion of a main building used for the storage of self-propelled vehicles where the capacity does not exceed three (3) vehicles, or not more than one (1) per family housed in the building to which such garage is accessory, whichever is greater, and not more than one-third (1/3) of the total vehicle capacity or storage space may be rented for vehicles of other than occupants of the building to which the garage is accessory.

Garage, Public: A building used for the storage of more than three (3) motor vehicles. Minor repair and service of vehicles may be carried on in conjunction with the primary function of vehicular storage.

Garage Sale: (See **Sales, Rummage** in this Section)

Garage, Storage: (See **Garage, Public** in this Section)

Garage, Service: (See **Automobile Repair Station**, and **Automobile Service Station** in this Section)

Garden Supply and Seed Store: An enclosed building or portion thereof used for the sale of fertilizer; garden supplies; lawn mowers and similar equipment; lawn tools; plants, shrubs, trees and similar vegetation; and related items for the care of lawns and gardens. Open lots sales are prohibited.

Garden Supply Center: An establishment engaged in the sale of fertilizer; garden supplies; lawn mowers and similar equipment; lawn tools; plants, shrubs, trees and similar vegetation; and related items for the care of lawns and gardens. Fenced open areas for display of product is permitted.

Gasoline Service Station: (See **Automobile Service Station** in this section)

Golf Course: An organized area or parcel of property containing holes of golf developed in general conformance with professional golf association standards, includes private, semi-public and public facilities.

Grade: The average level of the finished surface of ground adjacent to the exterior walls of a building,

Greenbelt: A strip of land of definite width and location reserved for the planting of shrubs and /or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Zoning Ordinance.

Green Strip: A solid planting strip composed of grass and evergreen shrubs.

Grocery, Fruit or Vegetable Store: An enclosed building where food items, produce are kept, and sold to customers for a fee.

Ground Floor Area: The square foot area of a residential building within its largest outside dimensions computed on one horizontal plane above the ground level, exclusive of open porches, breezeways, terraces, garages and exterior stairways.

Group Home: A residential facility licensed by the State of Indiana that provides residential services for not more than four (4) unrelated individuals and such staff, not to exceed two (2) at any one (1) time, as are sufficient to manage the home.

Gymnasium: A room or building equipped for gymnastics, games, and other physical exercise.

Hardware or Appliance Store: An establishment that sells household hardware for home improvement including: fasteners, hand tools, power tools, keys, locks, hinges, chains, plumbing supplies, electrical supplies, cleaning products, house wares, tools, utensils, and paint.

Health Center: A building or establishment housing local medical services or the practice of a group of doctors.

Health Food Store: A type of grocery store that primarily sells health foods, organic foods, local produce, and often nutritional supplements.

Height: The vertical distance from the lot ground level to the highest point of a building.

Home Occupation: Any gainful business, occupation or profession conducted wholly within a dwelling unit by a member of the family residing in the dwelling unit which is incidental and secondary to the use of the dwelling unit for dwelling purposes.

There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation. No Home Occupation shall be conducted in an accessory building. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the home occupation shall be provided off the street in the driveway of the home.

Hospital: A facility in which patients are rendered medical and/or surgical care on an episodic basis with the standard provision of continuous twenty-four (24) hour acute medical care on an inpatient basis.

Hospital, Animal: (See **Animal Hospital** in this Section)

Hotel: A building with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one (1) or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellhop service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms. (See also **Motel** in this Section)

House Trailer: (See **Mobile Home** in this section)

Illegal Use: Any use, whether of a building or other structure, or of a tract of land, in which a violation of any provision of this Zoning Ordinance has been committed or allowed to exist.

Improvement: (See **Construction** in this section)

Improvement Permit: (See **Zoning Permit** in this section)

Industrial Park: A unified development designed to accommodate a community of compatible and non-nuisance types of industry.

Industrial Waste or Reclamation Facility: Any facility used for the storage, transportation, reclamation, or disposal of any waste classified as hazardous or toxic by the United States Environmental Protection Agency and/or the State of Indiana.

Industrial Use, General: Manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or waste, in which operations other than transportation may be performed in either open or closed areas. (See also **Manufacturing, Light** in the section)

Interior Decorating Shop: An establishment where a professional assists in the planning of the decoration and furnishing of the interior of homes and business establishments; including upholstery and making of draperies, slip covers, and other similar articles when conducted as part of the retail operations.

Interior Lot: (See **Lot, Interior** in this section)

Intense Burning: A rate of combustion described by a material that burns with a high degree of activity, and is consumed rapidly.

Jewelry Store: A retail establishment selling jewelry, usually with precious stones or metals. It normally sells watches, rings, necklaces, earrings, bracelets, pins, and other items.

Job Printing Shop: An establishment where the printing of newspapers, books, letterheads, invoices, announcements, and other miscellaneous work are made for sale to customers.

Junk: Any worn-out, cast off or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article of material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new, shall not be considered junk.

Junk Yard Including Automobile Wrecking and Storage: Any lot, building, structure, enclosure, premises, or parts thereof, used for the storage, keeping or abandonment of any worn-out, cast off, or discarded or abandoned article, material, vehicle, automobile, machinery or parts thereof, which is ready for destruction, or has been collected or stored for salvage or conversion to some use, including scrap metal, paper, wood, cordage or other waste or discarded materials, articles, vehicles, automobiles that are inoperable or incapable of movement by their own locomotion or power, or vehicles or automobiles without a valid current state registration and license plate issued to said vehicle or automobile and to the occupant, owner, purchaser, lessor, lessee, or tenant of any lot, building, or structure therein or thereon situated.

Kennel: A lot, building, structure, enclosure or premises whereon or wherein dogs or cats or other pets are maintained, boarded, bred, kept or cared for in return for remuneration or are kept for the purpose of sale, or are groomed, trained or handled for others. Used in the plural, kennels, the term means any building, collection of buildings or a property in which dogs or cats are housed.

Laboratory, Industrial: (See **Research Laboratory** in this Section)

Lambert: 1/929th of a foot-lambert usually used to designate intrinsic brightness of light sources.

Laundromat: A business that provides coin-operated, self-service type washing, drying, dry-cleaning and ironing facilities, providing that not more than four (4) persons, including owners, are employed on the premises, and that no pick-up or delivery service is maintained.

Leather Goods Store: Retail establishment offering garments, accessories and luggage for sale. Goods may be produced on site or at factory. Fabrication and dying of goods made to order may be performed on site. Bulk dying of leather not permitted on site.

Legislative Body: (See **Town Council** in this Section)

Library, Public: An entity that is established under state enabling laws or regulators to serve a community, district, or region, that provides an organized collection of printed or other library books and materials for view or rent by the community.

Limited Access Street: (See **Street, Limited Access** in this section)

Liquor Stores: A liquor store is a retail establishment that sells prepackaged alcoholic beverages. Consumption on the premises is prohibited.

Loading Space: An off-street space on the same lot with a building or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Local Street: (See **Street, Local** in this section)

Locksmith Store: An establishment where employees make or repair locks and keys. May include sales of vaults, safes and other security devices.

Lodging House: (See **Boarding or Rooming House** in this Section)

Lot: A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and other open spaces as are herein required. Such parcel shall have frontage on an improved public street, or on an improved private street, and may consist of a single lot of record or a portion of a lot of record. Such parcel is defined by metes and bounds or boundary lines in a recorded deed or on a recorded plat. In determining lot area and boundary lines, no part thereof within the limits of any public right-of-way shall be included.

Lot Area: The total horizontal area within the lot lines of the lot.

Lot, Building: That part of a lot or lots which are suitable for building purposes or for use as a yard area. The area of the building lot or lots must meet the minimum lot size requirements listed for each zone or use before a Building Permit may be issued.

Lot, Corner: A lot at the junction of and fronting on two (2) or more intersecting streets.

Lot Coverage: The percentage of the lot area that is represented by the building area, including accessory buildings.

Lot Depth: The distance between the front and rear lot lines measured along the median between the side lot lines.

Lot Frontage: The front of a lot shall be that boundary of a lot along a public street; for a corner lot, the Plan Commission may select either street as the front lot line.

Lot, Interior: A lot other than a corner lot or a through lot.

Lot Line, Front: The boundary of a lot which abuts a street. On a corner lot, the lot line having the shortest length abutting a street line shall be the front lot line, unless otherwise determined by the Plan Commission, or the duly designated representative of the Town.

Lot Line, Rear: The lot line that is opposite the front lot line and farthest from it, except that in the case of an irregularly shaped lot, it means the line at least ten (10') feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the front lot line.

Lot of Record: An area of land designated and dimensioned as a lot on a plat of subdivision recorded in the Office of the Lake County Recorder, and which actually exists as so shown.

Lot, Through: A lot having frontage on two (2) parallel or approximately parallel streets

Lot Width: The distance, parallel to the front of a building erected or to be erected, measured between side lot lines at the building line.

Lot, Zoning: A tract of land located within a single block, which at the time of filing for a zoning permit, or if no zoning permit is required, at the time of filing for a Certificate of Occupancy, is designated by its owner or developer as a tract, all of which is to be used, developed, or built upon as a unit.

Machine Tools: Non-portable, power tools, such as a lathe or milling machine, used for cutting or shaping metal, wood, or other material.

Machine Shop: A room, building, or company where machining is done. In a machine shop, machinists use machine tools and cutting tools to make parts, usually of metal or plastic but sometimes of other materials, for repair or assembly elsewhere.

Machine and Equipment Sales and Rental: Establishment offering large machines and equipment for sale or rental, usually for construction or home improvements. May including service, repair or reconditioning within enclosed buildings.

Maintenance and Storage Facilities: Land, buildings and structures devoted primarily to the maintenance and storage of equipment and material.

Manufacturing: Any use in which the major activity is the treatment, processing, rebuilding or repairing or bulk storage of materials, products, or items, and where the finished product is not acquired by the end user on the premises; as distinguished from a retail use, where the treatment, processing, repairing or storage is secondary to the sale, exchange or repairing of materials or products on the premises.

Manufacturing, Light: Manufacturing or other industrial uses which are usually controlled operations, and relatively clean, quiet and free of objectionable or hazardous elements, such as smoke, noise, odor or dust, with operating and storage within enclosed structures, and which generates little industrial traffic or nuisances.

Manufacturing, Heavy: Manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character, and require large sites, open storage and service areas, extensive services and facilities, with ready access to regional transportation. Such operations normally generate some nuisances, such as smoke, noise, vibration, dust, glare, air pollution and water pollution, but not beyond the zoning district boundary.

Manufactured Home: Means a dwelling unit fabricated in an off-site manufacturing facility for installations or assembly at the building site and bearing a seal certifying that it is built in compliance with the national Manufacturing Housing Construction and Safety Standards Code (42U.S.C. 54041 et seq.) and complying with the Uniform Building Code for One-and-Two Family Homes of the State of Indiana (Indiana Code 3607-4-1100). Manufactured Housing Construction and Safety Standards Code includes: Title IV of the 1974 Housing and Community Development Act (42 U.S.C. 5401 et seq.) as amended (previously known as the federal Mobile Home Construction and Safety Act), rules and regulations adopted there

under which included H.U.D. approved information supplied by the home manufacturer and regulations and interpretations of said code by Indiana Administrative Building Council.

Manufactured Home Park Or Subdivision: Means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Marketing Products: Promotional Events based on themes, including but not limited to dances, car show, manufactures display, etc.

Master Plan: The Comprehensive Land Use Plan, including graphic and written proposals, indicating the general location for streets, parks, schools, public buildings, and all physical development of the Town of Cedar Lake, Lake County, Indiana, and includes any unit or part of such plan, and any amendment to such Plan or parts thereof. Such Plan may or may not be recommended by the Plan Commission and/or adopted by Town Council.

Meat Market or Delicatessen: A shop serving primarily sandwiches, salads, soups, sliced meats and cheeses for consumption elsewhere.

Meat Market: An establishment for the processing and sale of meat and meat products which may be stand alone, or conducted as a part of a larger retail business.

Micron: A unit of length, equal to one-thousandth part of one (1) meter (0.001 millimeter)

Mining or Excavation: The excavation of the earth from which stone, clay or sand are extracted. Mining is the excavation consisting of a vertical or sloping passageway for finding or mining stone, clay or sand.

Mobile Home: Any vehicle, including the equipment sold as a part of a vehicle, which is so constructed as to permit its being used a conveyance upon public streets or highways by either self-propelled or towed, which is designed, constructed or reconstructed, or added to by means of an enclosed addition or room in such manner as will permit the occupancy thereof, as a dwelling for one (1) or more persons, which is both used and occupied as a dwelling having no foundation other than wheels, jacks, skirting, or other temporary supports.

Mobile Home Tie Down (Schedule A): Sufficient anchorage to resist flotation, collapse or lateral movement of any mobile home. At a minimum, such anchorage shall consist of (a) over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with (2) additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring only one (1) additional tie per side; (b) frame ties shall be provided at each corner of the home with five (5) additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four (4) additional ties per side; (c) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and (d) any additions to the mobile home be similarly anchored.

Mobile Home Park: Any lot, parcel or tract of land approved and licensed for the parking of mobile homes.

Moderate Burning: A rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

Monument Sales: The sale of a structure, such as a sculpture, an inscribed marker, erected as a memorial or something venerated for its enduring historic significance or association with a notable past person or event.

Motel: A building, or group of buildings, whether attached or in connected units, used as individual lodging units designed primarily for temporary occupancy of overnight guests and providing for adjacent accessory off-street parking facilities for each unit. No kitchen or cooking facilities shall be included in the units.

Motor Freight Terminal: (See **Freight Terminal** in this Section).

Motor Vehicle Sales Lot: (See **Automobile Sales** in this Section).

Motor Vehicle Wrecking Yard: (See **Junk Yard Including Automobile Wrecking and Storage** in this Section).

Municipality: The Town of Cedar Lake, Lake County, Indiana.

Municipal Facilities and Public Utilities: Municipal and public facilities refer to basic services that residents expect the town government to provide including but not limited to electricity, natural gas, water, and sewerage.

Museum, Public: A museum is an institution that cares for (conserves) a collection of artifacts and other objects of artistic, cultural, historical, or scientific importance and makes them available for public viewing through exhibits that may be permanent or temporary.

Music Store: An establishment where sheet or recorded music and musical instruments are sold and repaired.

Natural Resources: The State of Indiana Department of Natural Resources or Indiana Natural Resources Commission. (See **Department of Natural Resources (DNR)** in this Section).

Newspaper Office: An office where the editorial and production staff of a newspaper work. (Does not including printing)

Non-Alcoholic Beverage Manufacturing (Bottling Works): The operations and business of and the owner or operator thereof, who manufactures, bottles, handles, distributes, holds for sale, or sells soda or soda waters, mineral waters, carbonated beverages and other nonalcoholic drinks or beverages otherwise known as soft drinks.

Non-Conforming: A use of land or building which existed legally at the time of adoption of this Zoning Ordinance, but which fails to comply with the regulations set forth in this Zoning Ordinance.

Non-Conforming Building: A building, or portion thereof, lawfully existing at the effective date of this Zoning Ordinance, or amendments thereto, that does not conform to the provisions of this Zoning Ordinance for the district in which it is located.

Non-Conforming Lot: A lot of record lawfully existing at the effective date of this Zoning Ordinance, or amendments thereto that does not conform to the lot area or lot width regulations of this Zoning Ordinance.

Non-Conforming Use: A use which lawfully occupied a building, or lot, at the effective date of this Zoning Ordinance, or amendments thereto, that does not conform to the use regulations of the Zoning district, or districts, in which it is located, as designated by this Zoning Ordinance.

Noxious Matter or Material: A material which is capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.

Nursery, Nursing Home: A home or facility for the care and treatment of individuals.

Nursery, Child-Care or School: An establishment for the part-time care of five (5) or more children of pre-elementary school age in addition to the members of the family residing therein. (See also **Day-Care Center and Day Care Home** in this Section)

Nursery, Plant Materials: Land, buildings, structures, or a combination thereof, for the storage, cultivation, transplanting of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening and landscaping.

Octave Band: A method of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

Offices (Business or Professional): This use includes business uses with little direct contact with customers present at the premises, which engage in the processing, manipulation, or application of business information or professional expertise. This includes, but is not limited to, accounting, insurance, investment services, computer services, architecture, engineering, legal services, real estate

services, land surveyors, doctor or dentist offices, data processing and analysis facilities, utility company business offices, license bureaus, and not-for-profit agencies, but not medical clinics.

Office Supply Store: A retail establishment that sells office goods typically including paper products, ink cartridges, computers, communications equipment, printers, scanners, copiers, data storage, and other such devices. This type of store differs from an electronics store, which does not specialize in office electronics.

Off-Street Parking: (See **Parking, Off-Street** in this Section)

Off-Street Parking Area: (See **Parking, Off-Street Parking Areas** in this Section)

Off-Street Parking Lot: (See **Parking, Off-Street Parking Lot** in this Section)

One Hundred Year Flood: The highest level of flood that on the average is likely to occur once every one hundred (100) years, (i.e. that has a 1% chance of occurring each year) as calculated by a method and procedure which is acceptable to and approved by the Indiana Department of Natural Resources and/or the Town Engineer.

Open Sales Lot: Land used or occupied for the purpose of buying, selling, or renting merchandise stored or displayed out-of-doors prior to sale.

Open Space: A public or private outdoor area expressly set aside for the use and benefit of many unrelated people. The area may include, along with natural environmental features, water area, swimming pools, tennis courts, and other recreational facilities deemed permissible. Streets, parking areas, structures of habitation, and the like, shall not be included in open space area calculations.

Optician, Optometrist, Ophthalmologist: Opticians are technicians trained to design, verify and fit eyeglass lenses and frames, contact lenses, and other devices to correct eyesight. Optometrists are healthcare professionals who provide primary vision care ranging from sight testing and correction to the diagnosis, treatment, and management of vision changes. An optometrist may receive a doctor of optometry (OD) degree and become licensed to practice optometry, which primarily involves performing eye exams and vision tests, prescribing and dispensing corrective lenses, detecting certain eye abnormalities, and prescribing medications for certain eye diseases. An ophthalmologist is a medical or osteopathic doctor who specializes in eye and vision care. As a medical doctor, an ophthalmologist diagnoses and treats all eye diseases, performs eye surgery and prescribes and fits eyeglasses and contact lenses to correct vision problems.

Outdoor Recreation: Uses as approved by the Plan Commission, Board of Zoning Appeals and/or Town Council of the Town of Cedar Lake, Lake County, Indiana, and accessory uses, buildings, and structures such as off-street parking and loading facilities, administration, maintenance and clubhouse buildings.

Paint and Wallpaper Store: An establishment primarily engaged in retail sales of paint, wallpaper and related supplies.

Park and Playground (Public): An area of land, open or with playground equipment, for the enjoyment of the public, may include facilities for rest and recreation, often owned, set apart, and managed by a town, county or state.

Parking, Off-Street: A parcel of land with a permanent all-weather area, enclosed in a main building or an accessory building, or unenclosed, sufficient in size to store at least one (1) standard automobile. Such open, unoccupied space shall be other than a street or alley, and the principal use of such parcel of the land, durably surfaced, enclosed or unenclosed, shall be for the purpose of parking vehicles off the thoroughfares, within the corporate limits of the Town.

Parking Area, Off-Street: Permanent, all-weather surfaced area of land containing vehicular parking spaces along with adequate drives and aisles for maneuvering and including access drive to and from a street or alley.

Parking Area: An open off-street land area, including parking spaces and access and egress drives or aisles used or required by this Zoning Ordinance for the parking of automotive passenger vehicles of the occupants, patrons, employees, visitors of specified types of buildings or land uses, which is accessible from streets, alleys or private driveways leading to a street and in which automotive accessories, fuels, and oils are not sold, automotive vehicles are not equipped, repaired, hired or sold, and on which no other business is conducted.

Parking Area, Public: An open area, other than a street, used for the temporary parking of five (5) or more automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

Parking Space: An off-street area not less than ten (10) feet wide and twenty (20) feet long, exclusive of access, passageways, or maneuvering area, ramps, or columns, to be used exclusively for a temporary storage space for one (1) private motor vehicle. Truck loading and unloading space shall not be included in such area.

Particulate Matter: Finely divided solid or liquid matter, other than water, which is released into the atmosphere.

Party Wall: A wall starting from the foundation and extending continuously through all stories to or above the roof which separates one (1) building from another and is in joint use by each building.

Performance Bond, Surety Bond: An agreement by a subdivider or developer with the Town for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to the approved plans and specifications, within the time prescribed by the agreement.

Performance Standard: A criteria established to control smoke and particulate matter, noise, odor, toxic or noxious matter, vibration, fire and explosion hazards, glare or heat, or radiation hazards generated by or inherent in the uses of land or buildings.

Permit, Special Event/Special Activities: Written authorization allowing a commercial use for events such as sidewalk sale, tent sales, or planned gatherings of two hundred (200) people per day.

Permit, Zoning: Written authorization allowing construction on or use of a parcel of property in conformance with the provisions of this Zoning Ordinance, as amended from time to time, and all other Ordinances of the Town of Cedar Lake.

Permitted Use: (See **Use, Permitted** in this Section)

Person: Any individual, corporation, firm, partnership, association, organization, or any other group which acts as a unit.

Personal Services: Any enterprise conducted for gain which primarily offers service to the general public, such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

Pet Shops: A shop where domestic animals and domestic animal products are on sale, provide that animals shall not be boarded or bred in such shops.

Photographer Studio: A workshop for professional photographers, often used as a place to take professional portraits of customers.

Photograph Printing Shop: A building where developing and printing of photographs is conducted on the premises as a part of the retail business, may include additional service such as enlargement and picture framing.

Planned Development: A parcel or tract of land, initially under single ownership or control, which contains two (2) or more principal buildings, and one (1) or more principal uses, planned and constructed as a unified development, and where certain regulations of this Zoning Ordinance for the zoning district where it is located are modified.

Planned Unit Development: The development of an area of land as a single entity for a number of uses, according to a plan which does not correspond in lot size, bulk or type of building, density, lot coverage, or required open space to the regulations otherwise required by this Zoning Ordinance, as amended from time to time.

Plan Commission: (See **Commission** in this Section)

Plat: A map or chart that shows a division of land and is intended to be filed for record.

Public Storage Building: A completely enclosed building occupied by the owner's person items.

Plumbing Showroom and Shop: A completely enclosed building that stores and displays sinks, faucets, bathtubs, fixtures and accesories for sale.

Principal Building: (See **Building, Principal** in this Section).

Principal Use: (See **Use, Principal** in this Section)

Private School: (See **School, Private** in this Section)

Property Line: The line between any lot and contiguous lots.

Prohibited Use: (See **Use, Prohibited** in this Section).

Professional Activities: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers and similar professions.

Professional Office: Any non-residential building or portion of a non-residential building used or intended to be used as an office for banks, loan offices, lawyers, architects, engineers, land surveyors, optometrists, physicians, dentists, accountants, and other similarly licensed professions.

Public Safety Facility: Building and supporting equipment constructed, operated and maintained as municipal government centers, ambulance, fire, and police stations.

Public Service Facility: The erection, construction, alteration, operation, or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communications, water and sewerage services.

Public Street: (See **Street, Public** in this Section)

Public Uses: (See **Uses, Public** in this Section)

Public Utility: A person, firm or corporation, municipal department, board or commission duly authorized to furnish, and furnishing to the public, gas, steam, electricity, communication, transportation, sewage collection and disposal, stormwater conveyance, or potable water under federal, state or municipal regulations.

Rear Lot Line: (See **Lot Line, Rear** in this Section).

Rear Yard: (See **Yard, Rear** in this Section)

Recreational Building: (See **Community Center** in this Section)

Recreational Vehicle (RV): A vehicle primarily designed as a temporary living quarters for recreation, camping or travel, either under its own motor power or towed by another powered vehicle. Such vehicle may include, but not be limited to:

1. **Travel Trailer:** A vehicle, identified by the manufacturer as a travel trailer, built on a chassis eight (8) feet wide or less and thirty (30) feet long or less, and designed to move on the highway.
2. **Pick-Up Coach:** A portable structure designed to be mounted on a truck chassis or cut down car.
3. **Motor Home:** A self-propelled vehicle with a dwelling constructed as an integral part of the vehicle or so altered.
4. **Camping Trailer:** A portable structure constructed of canvas, plastic or other material capable of being folded or collapsed, built on a chassis with wheels and designed to move on the highway.

Recording Studio: A recording studio is a facility for sound recording and mixing, with adequate soundproofing.

Recycle Center: A recycling center is a site where recyclable waste is collected and often sorted for processing. It may or may not be open to the public for personal deposit of recyclable materials. These facilities usually handle materials such as metals, plastics, paper, cardboard, wood, and organic waste.

Reducing Salons: An establishment in the business of assisting patrons to lose weight through dietary and exercise programs under the supervision of a medical doctor.

Regulatory Flood: That flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a one-hundred-year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Department of Natural Resources. The flood is equivalent to a flood having a probability of occurrence of one (1%) percent in any given year. (See **One Hundred Year Flood** in this Section)

Regulatory Flood Profile: A longitudinal profile along the thread of a stream showing the maximum water surface elevation attained by the regulatory flood.

Research Activities: Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration or odor shall be detected outside of said building.

Research Laboratory: A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products.

Reservoir Standing Spaces: Those off-street parking spaces allocated for temporary standing of automobiles awaiting entrance to a particular establishment. Also referred to as “stacking” space.

Residential Districts: Refers to R-1, R-2, R-T and R-M Zoning Districts.

Restaurant: An establishment in which food and beverages are cooked or prepared and offered for sale to be served and eaten on the premises, whether or not alcoholic beverages and entertainment is offered, and included establishments commonly known as grills, cafes, and diners; excluding drive-ins and any fast-food establishments.

Restaurant Drive-In: Any restaurant so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle or to permit patrons to eat while in the motor vehicle, as well as within a building or structure, or primarily to provide self-service for patrons and food carry-out.

Retail Store: A store that sells smaller quantities of products or services to the general public.

Right-of-Way: An easement on the land of property owners, obtained by lawful means, for public use, such as a public street.

Right-of-Way Line: The dividing line between a lot and a public street, legally open or officially platted by the Town, County or State or over which the owners or tenants of two (2) lots held in a single or separate ownership have the right-of-way.

Ringelmann Chart: The chart described in the U.S. Bureau of Mines Information Circular 8333, on which are illustrated graduated shades of gray for use in estimating the light-obscuring capacity of smoke density.

Road, Frontage: A local street or road auxiliary to and located on the side of an arterial highway for service to abutting property and adjacent areas and for control of access.

Road, Service: A local street or road auxiliary to and located on the side of an arterial highway for service to specific property and adjacent areas and for control of access.

Roadside Stand: A permitted temporary structure designed and used for the display or sale of agricultural and related products, or novelties and other items of interest to the motoring public.

Rooming House: (See **Boarding or Rooming House** in this Section)

Rummage Sales: (See **Sales, Rummage-Private**, or **Sales, Rummage-Public** in this Section)

Sales, Rummage-Private: Temporary sales of used clothing and/or household items conducted only by the immediate members of one (1) or two (2) families in a residence, private garage, porch or rear yard.

Sales, Rummage-Public: Temporary sales, conducted by a non-profit organization such as a church or club, where the members of the group bring articles or items to a central building to be sold to raise money for use by the organization.

Sanitary Landfill: The disposal of garbage or refuse by the trench and cover method or fill and borrow method. In the first case, an excavation will be made and the garbage placed in the excavation and covered with the dirt which was removed. In the second case, the fill may be made in a low area and dirt borrowed from other ground would be spread over the top of the garbage on a daily basis. Also, any other method approved by the State Board of Health, State Department of Environmental Management, (or any other applicable State agency) as an acceptable sanitary landfill method may be considered as such by the Plan Commission.

School or Educational Institution: An elementary school, middle school, high school, college or university.

School, Public: An institution wholly financed with tax funds, conducting regular academic instruction.

School, Private: An institution not wholly financed with tax funds, conducting regular academic instruction.

School, Trade: Private or public institution teaching music, dance, art, business, commercial or technical subjects operating as a commercial enterprise. Operations shall not cause increased danger of fire and explosion, nor of noise, vibration, smoke, dust order, glare, heat, and other objectionable influences.

Second Hand Clothing: Second-hand clothing are wearable items purchased by or otherwise transferred to a second or later end user.

Secondary Street: (See **Street, Secondary** in this Section)

Screening: A hedge, fence or wall, or any combination thereof, used to reduce visual and audible effects of adjoining uses.

Setback: The distance, as measured from the foundation of a structure, required to obtain the minimum front, side or rear yard open space provisions of this Zoning Ordinance.

Setback Line: A line established by the Zoning Ordinance, generally parallel with and measured from the lot line (property line) defining the limits of a yard in which no buildings, other than accessory buildings, or structures, may be located above ground, except as may be provided in this Zoning Ordinance.

Sewage Treatment Plant or Reservoirs: Establishment in which the process of removing contaminants from wastewater, primarily from household sewage or wastewater is temporarily stored. Treatment includes physical, chemical, and biological processes to remove contaminants and produce environmentally safe treated wastewater (or treated effluent).

Shopping Center: A group of commercial establishments planned and developed, owned, or managed as a unit, with off-street parking and loading provided on the premises of adequate size and location to serve the number and type of related stores.

Shopping Center, Community: A moderate scale shopping center designed to provide general merchandising of a limited nature, such as junior department stores, variety stores and home furnishings in a community trade area.

Shopping Center, Neighborhood: A small scale shopping center designed for the sale of convenience goods and personal service in a neighborhood trade area.

Shopping Center, Regional: A large scale shopping center designed to provide general merchandising and opportunities to the consumer for comparison shopping in a regional trade area.

Side Yard: (See **Yard, Side** in this Section)

Sidewalk: That portion of the road right-of-way outside the street, which is improved for the use of pedestrian traffic.

Sign: Any outdoor display, device, notice, bulletin, figure, painting, drawing, message, placard, poster, billboard, advertisement, announcement, direction or communication, or any other thing which is designated, intended or used to advertise or inform, and which is produced in whole or in part by the construction, erection, affixing, or placing of a structure on any land or any other structure or produced by the painting on or posting or placing of any printed, lettered, pictured, figured or colored material on any building, structure or surface.

Sign, Directional and Official: Signs which are posted by any governmental agency of the United States, the State of Indiana, or any of its political subdivisions, and which regulate the flow of traffic, give information or directions or contain legal notices.

Sign, Off-Premise: A sign advertising or identifying any activities, products, or businesses which are not conducted or maintained on the property on which the sign are located.

Sign, On-Premise: A sign advertising or identifying any activities, products, or businesses which are conducted or maintained on the property on which the signs are located.

Sign, Permanent: A sign which is securely affixed to a building or permanently anchored pylons, as approved by the Town.

Sign, Pole: A sign which is wholly supported by a structure in the ground.

Signs, Portable: A sign of temporary nature which is not permanently affixed to the ground or other permanent structure.

Signs, Special Events: A sign which advertises an event sponsored by a civic club, church, government or non-profit organization.

Sign Structure: Any structure which supports or is capable of supporting any sign, as defined by this Zoning Ordinance. A sign structure may be a single pole and may not be a part of a building.

Signs, Temporary: A sign which does not fall within the definitions of permanent signs, portable signs, or special events signs and which does not exceed nine (9) square feet, is located on-premises advertising the sale or rental at the premises or advertising a garage, auction or moving sale. Also, signs which are not permanently attached to any building or the ground, or is constructed with the purpose of being used at more than one (1) location, and intended to be displayed for a limited period of time only.

Signs, Square Footage: The size of signs shall be computed by determining the area in square feet of all facets on rectangular signs. For non-rectangular, irregular or three-dimensional signs, square footage shall be determined on the basis of the smallest rectangle which would enclose all letters, figures or symbols composing the sign structure.

Signs, Visual Triangle: Area which is determined by projecting a twenty-foot (20') setback from two (2) intersecting right-of-way lines, existing or proposed, on the right-of-way line, and connecting these projected points by a straight line.

Signs, Wall: Any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.

Slow Burning or Incombustible: Materials which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, nor actively support combustion during exposure for five (5) minutes to a temperature of 1200 degrees Fahrenheit shall be designated incombustible.

Smoke: The visible discharge from a chimney, stack, vent, exhaust, or combustion process which is made up of particulate matter.

Smoke Unit: The number obtained when the smoke density in the Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation, and each reading is then multiplied by the time and minutes during which it is observed, and the various products are then added together to give the total number of smoke units observed during the entire observation period.

Sound Level: The intensity of sound of an operation or use as measured in decibels.

Sound Level Meter: An instrument standardized by the American Standards Association for the Measurement of the Intensity of Sound.

Special Event: The attraction of the general public and patrons to commercial uses where events such as sidewalk sales, tent sales or gatherings of under two hundred (200) people per day are planned.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it. The floor of a story may have split levels, provide that there are not more than four (4) feet difference in elevation between the different levels of the floor.

Street: A public way established by or maintained under public authority for purposes of vehicular traffic, including the entire area within the right-of-way. Also, a private way open for public uses and a private way plotted or laid out for ultimate public uses, whether or not constructed. The term “street” also includes the terms highway, parkway, road, roadway, thoroughfare, avenue, boulevard, lane, court, place, and other such terms.

Street, Alley: A Street intended to provide access to the rear or side of lots or to buildings in urban areas, and not intended for the purpose of through vehicular traffic.

Street, Arterial: A system of streets and roads which form an integrated network of continuous routes primarily for through traffic. The arterial system is stratified into principal and minor categories.

Street, Principal Arterial: A system of streets and roads which serve corridor traffic movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel, or connect major population centers in rural area, or serve major centers of activity and the highest traffic volume corridors with the longest trip desires in urban areas.

Street, Minor Arterial: A system of streets and roads which link other cities, large towns and traffic generators, and provides intra-community connections at lower travel speeds and lower traffic volume to accommodates shorter trip lengths and provide more access to adjoining property.

Streets, Collector: A system of streets and roads which serves primarily intra-regional travel with approximately equal emphasis to traffic circulation and land access service. The collector system is generally further stratified into major and minor categories. The system collects and distributes traffic between the arterial and local systems.

Street, Cul-de-sac: A local street open at one end only and with a special provision for vehicles turning around.

Street, Dead-end: A local street open at one end only, and without a special provision for vehicles turning around.

Street, Feeder: A local street which facilitates the collection of traffic from local streets and which provides circulation within neighborhood areas.

Street, Frontage: A local street or road auxiliary to and located on the side of an arterial for service to abutting property and adjacent areas, and for control of access.

Street, Highway: A term applied to streets and roads that are under the jurisdiction of the Indiana State Highway Commission.

Street, Limited Access: A Street or road to which abutting properties are denied access.

Street, Local: A system of streets and roads which primarily provides land access service and access to higher order systems.

Street, Loop: A local street with both terminal points on the same streets or origin.

Street, Partial: A dedicated right-of-way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.

Street, Perimeter: Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.

Street, Private: A local street that is not accepted for public use or maintenance which provides vehicular and pedestrian access. Such street shall be improved to the Town's street construction standards in so far as its depth of stone, depth of asphalt binder and depth of surface asphalt is concerned.

Street, Public: A street under the control of and kept by the public, established by regular governmental proceedings for the purpose, or dedicated by the owner of the land and accepted by the proper authorities and for the maintenance of which they are responsible. Such street shall be improved to the Town's street construction standards in so far as its depth of stone, depth of asphalt binder and depth of surface asphalt is concerned.

Street, Secondary: Street designed to facilitate the collection of traffic from feeder streets, and usually located on neighborhood boundaries.

Structure: Anything constructed or erected which requires a footing or foundation to be set below grade and/or which extends at least six (6") inches above grade. Individual posts or poles (except for those used for signs or advertising devices) shall not constitute a structure; however, if two (2) or more such posts or poles are connected, they shall be considered a structure (i.e. a fence). Also, anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground.

Subdivision: The division of a parcel of land into lots, parcels, tracts, units or interests, in the manner defined and prescribed by the Town Subdivision Control Ordinance, as amended from time to time.

Substantial Modification: Any alteration, repair, enlargement or extension of an existing building. Such substantial modification is considered to occur when the first alteration of any wall, ceiling, floor or other structural element of the building commences. This term does not, however, include either (a) any project for improvement of a structure to comply with existing health, sanitary or safety code specification; or (b) any alteration of a structure listed on the National Register of Historic Places or the Indiana State Survey of Historic, Architectural, Archaeological and Cultural Sites, Structures, Districts and Objects.

Supply Yard: A commercial establishment storing and offering for sale building supplies, steel, coal, heavy equipment, feed and grain, and similar goods.

Swimming Pool: An outdoor structure designed as a receptacle for water, or an artificial pool of water, having a depth at any point of more than two (2') feet, intended for the purpose of immersion or partial immersion therein of human beings, and including all appurtenant equipment, whether such structure is built "in-ground", "above ground", or a combination thereof.

Tanning Salon: A facility specializing in cosmetic tanning using ultraviolet lights or sprays.

Tattoo Parlor: An establishment in which tattooing is carried out professionally.

Tavern: A public establishment where food is sold and served, but where the principal business is the selling and serving of alcoholic beverages for consumption on the premises. (live entertainment is not provided).

Taxidermist: The art of preparing and preserving the skins of animals and of stuffing and mounting them in lifelike form.

Theater: Assembly halls, concert halls or similar places of assembly, when conducted completely within enclosed buildings.

Thoroughfare: A public way or public place that is included in the Thorough Plan of the Town, including the entire right-of-way for public use of the thoroughfare and all surface and subsurface improvements on it, such as sidewalks, curbs, shoulders, and utility lines and mains.

Tobacco Shop: A shop that sells pipes, pipe tobacco, cigars, cigarettes and tobacco substitutes.

Toxic Matter or Material: Those materials which are capable of causing injury to living organisms.

Tourist Home: A building in which more than one (1), but not more than five (5) guest rooms are used to offer overnight accommodations for transient guests for compensation.

Town: The Town of Cedar Lake, Lake County, Indiana.

Town Council: The legislative body of the Town of Cedar Lake, Lake County, Indiana;

Trade or Business School: A secretarial school or college or business school or college which is not public and not owned or conducted under the sponsorship of a religious or charitable organization, or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering, or hair dressing, or for teaching industrial skills in which machinery may be employed as a means of instruction. This definition shall not be deemed to include private schools and public schools as defined in this Section.

Trailer: Any vehicle or portable structure constructed so as to permit temporary occupancy thereof for use as an accessory building or structure in the conduct of business, trade or occupation.

Travel Bureaus (and transportation ticket offices): An agency that makes the necessary arrangements for travelers, especially the booking of airline tickets and hotel rooms.

Truck Terminal: Any place where trucks are stored and/or dispatched. May include buildings or area for storage, break down or assembly of goods for transfer or routing in intrastate or interstate shipment by motor truck.

Underground Storage Tank: A tank that is placed under the ground for storage of fuel oil, liquefied petroleum gas and gasoline in amounts not to exceed 120,000 gallons in capacity.

Undertaking Establishment: An establishment where the dead are prepared for burial or cremation. (See also, Funeral Homes in this Section.)

Upholstery Shop: A completely enclosed building where upholstery is sold and used to make and repair furniture, especially seats, with padding, springs, webbing, and fabric or leather covers.

Use: The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Use, Accessory: A use which is incidental to the dominant or principal use of the premises.

Use, Lawful: The use of any building, structure, or land that conforms with all of the regulations of this Zoning Ordinance, or any amendment hereto, and which conforms with all of the Codes, Ordinances, and all other legal requirements, as existing at the time of the enactment of this Zoning Ordinance, or any amendment thereto, for the structure of the land that is being examined.

Use, Non-Conforming: (See **Non-Conforming Use** in this section)

Use, Principal: The primary use to which the premises are devoted, and the main purpose for which the premises exist.

Use, Permitted: Any use which is or may be lawfully established in a particular zoning district or districts, provided it conforms with all requirements, regulations, and when applicable, performance standards of this Zoning Ordinance for the zoning district in which such use is located.

Use, Public: Public parks, schools, administrative and cultural buildings and structures, and similar uses, as permitted by this Zoning Ordinance.

Variance: A variance is a deviation from the strict and specific requirements of this Zoning Ordinance, and which is granted only by approval of the Board of Zoning Appeals and/or the Town Council, after recommendation from the Board of Zoning Appeals pursuant to I.C. 36-7-4-918.6, as amended, and as the individual case may be.

Veterinary Animal Hospital or Clinic: (See **Animal Hospital** in this section)

Vibration: The periodic displacement, measured in inches, of earth at designated frequency-cycle per second.

Video Rental and Sales: A completely enclosed building for the purpose of renting films on video or DVD for a period of time in exchange for payment. May include sales of new or used video recordings.

Visual Triangle or Vision Clearance: An open triangular space at the street corner of a corner lot, or the intersection of a street and an alley, defined by a line connecting two points established on the street lines by measurement from the corner, between which line and the intersecting streets lines or intersecting street and alley lines, no structures, shrubbery or other obstacles to vision may be placed temporarily or permanently.

Warehousing: The storing of goods within a storage facility.

Water Filtration Plant, Pumping Station: A water filtration plant is a facility that works to filter and purify water by removing chemicals, hazardous materials, and toxic matters from a water source. Most commonly providing drinking water suitable for human consumption or food preparation. Pumping stations are facilities including pumps and equipment for moving fluids from one place to another.

Water Course: A river, stream, creek, channel, open drain, ditch or swale of any nature or kind.

Wholesale Merchandise Storage: A building that keeps large stocks of merchandise, which are displayed and sold to retailers.

Yards: The area or space around the inner periphery of each lot in which no building or structure shall be erected. The size of each area is determined by the distance from the property lines and right-of-way lines set forth in the various zoning districts to the main building on the lot, exclusive of steps, overhanging eaves, gutters, or cornices.

Yard, Depth: The mean horizontal distance between the building line and the lot line.

Yard, Front: A yard extending across the full width of the lot unoccupied other than by steps, walks, terraces, driveways, lamp posts, and other similar structures, the depth of which is the least distance between the front lot line and the front line of the building.

Yard, Rear: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.

Yard, Side: The minimum required open space extending the full depth of the lot and extending from the side lot line to the nearest point of the main building line.

Zone: An area within which certain uses of land and buildings are permitted, and within which others are prohibited, yards and other green spaces are required, lot areas, building budget limits and other requirements are established, all of the foregoing being identical for the zone in which they apply.

Zoning: The division of an area into districts and the public regulation of the character and intensity of the use of the land, and of the buildings and structures which may be located thereon, in accordance with the Comprehensive Mater Plan.

Zoning Districts: The districts into which the Town of Cedar Lake, Lake County, Indiana, has been divided for zoning regulations and requirements as set forth on the Official Zoning Map.

Zoning Lot: That portion of any single recorded parcel of land designated with a specific zone. It is possible to have several zoning lots within the boundaries of a single recorded parcel; however, the converse is not possible.

Zoning Map: The official map showing the location and boundaries established by this Zoning Ordinance, as amended from time to time. The Zoning Map, together with all the explanatory matter thereon and all amendments thereto, is adopted by reference, and is a part of this Zoning Ordinance.

Zoning Permit: A document issued by the duly designated official of the Town of Cedar Lake, Lake County, Indiana, authorizing the use of lots, structures, uses of land and buildings, and the characteristics of the uses.

Chapter 22 – AMENDMENTS

Section A Power of Amendment:

The Town Council may, from time to time, amend, supplement, change, modify, or repeal this Zoning Ordinance, including the Zone Map, by proceeding in the manner prescribed herein.

Such changes or amendments shall be considered as Amendments to the Comprehensive Master Plan of the Town of Cedar Lake, as provided for in the Indiana Code, as amended from time to time, and shall be reviewed accordingly.

Section B Initiation of Amendment:

A Zoning Ordinance Text Amendment may be initiated by the Town Council or the Plan Commission. An amendment to change the Town Zoning map may be initiated by the Plan Commission or by a petition signed by property owners who own at least fifty (50%) percent of the land involved.

Section C Form of Application:

Any request for Zoning Ordinance Zone Map amendment shall be in compliance with the provisions of I.C. § 36-7-4-600, et. seq., as amended from time to time. A Zone Map Amendment Petition shall be submitted in writing to the Plan Commission in a form prescribed by the Plan Commission, for informal review. Evidence shall be attached, in manner satisfactory to the Plan Commission, which shows the following:

1. Payment of fees and charges established herein when the Petition is filed.
2. Sufficient graphic material and information to adequately assist the Plan Commission in understanding the nature a Petition for Zoning Ordinance Zone Map Amendment.
3. Any petition for amendment to the Town Zone Map shall be accompanied by a legal description and, if the land is unplatted, a Plat of Survey by a registered land surveyor or engineer, showing dimensions of the property in question or county records.

The Plan Commission and Town Council shall not consider any proposed Town Ordinance Zone Map Amendment which is substantially the same as any other proposed amendment submitted within the previous twelve (12) months.

Any proposals for Zoning Ordinance text amendment shall be in compliance with the provisions of I.C. § 36-7-4-600, et. seq., as amended.

Section D Procedure:

The Plan Commission and Town Council shall review such Petitions for Text and/or Map Amendment to determine:

1. The general conformity and consistency with the various elements of the Comprehensive Master Plan;
2. The need and justification for any proposed change of the Text of this Zoning Ordinance or the Zone Map;
3. Current conditions and the character of current structures and uses in each Zoning District;
4. The effect of a Zone Map Amendment, if any, on the property and on surrounding property;
5. The most desirable use for which the land in each Zoning District is adopted;
6. The amount of undeveloped land in the general area and in the Town having the same Zoning District classification as that requested or affected by an Ordinance Amendment’.
7. The effect of a Zone Map Amendment in view of responsible growth and development.

Section E Public Hearing and Commission Action:

Before acting on any proposed amendment, the Plan Commission shall hold a public hearing, as required by the provisions of I.C. § 36-7-4-600, et. seq., as amended from time to time. The rules of procedure of the Plan Commission for notice and proof shall be followed.

Any action of the Plan Commission shall be advisory only. No recommendation of the Plan Commission shall be effective, however, unless acted upon by a full majority of Plan Commission membership, in conformance with applicable law.

Section F Action by Town Council on Zoning Ordinance Text Amendment or Zone Map Change:

The Town Council shall review the Certification of the Plan Commission when considering a Zoning Ordinance Text Amendment or recommendation of the Plan Commission concerning a Zone Map change.

Section G Questionable Zoning Districts:

If any property is judicially determined or otherwise determined to be without zoning, or exists without a clearly designated Zoning District classification, then in such case, said property shall be zoned Agricultural (A) Zoning District.

Chapter 23 – SPECIAL PROVISIONS

Section A Adoption:

The Town of Cedar Lake, Lake County, Indiana, a Municipal Corporation duly organized and existing under the laws of the State of Indiana, and its duly elected Town Council, acting as the legislative body, having reviewed the favorable recommendation of the Town Plan Commission after consideration at a duly noticed Public Hearing, to the Town Council under the provisions of I.C. § 36-7-4-600, has adopted this text replacement of the Town Zoning Ordinance, and Town Zone Map Replacement contemporaneously therewith.

Upon adoption, this Town Zoning Ordinance shall be printed and published by Order of the Town Council of the Town of Cedar Lake, Lake County, Indiana, and the Town Zone Map shall likewise be replaced contemporaneously therewith.

Section B Repeal of Conflicting Ordinances:

Zoning Ordinance Number 496, all amendments thereto, and all Ordinances or parts of Ordinances in conflict with this Replacement Town Zoning Ordinance, or inconsistent with the provisions of this Zoning Ordinance, are hereby repealed to the extent necessary to give this Zoning Ordinance full force and effect.

Section C Severability:

In the event that any section, subsection, paragraph, subparagraph, clause, word or provision of this Town Zoning Ordinance, as amended from time to time, be declared by a Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Zoning Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section D Effective Date:

This Town Zoning Ordinance Text Replacement Ordinance, including the Replacement Town Zoning Map, shall take effect upon its adoption by the Town Council of the Town of Cedar Lake, Lake County, Indiana, and in accordance with all applicable requirements of the Laws of Indiana law.